

"(3) there was no record on nautical charts or the Notice to Mariners on the date such damages were sustained that such material, equipment, tool, container, or other item existed in such area; and

"(4) there was no proper surface marker or lighted buoy which was attached or closely anchored to such material, equipment, tool, container, or other item.

"(e) (1) Upon receipt of any notification of a claim under this section, the Secretary shall refer such matter to a hearing examiner appointed under section 3105 of title 5, United States Code. Upon receipt of any notification of a claim under this section, the Secretary shall notify all lessees in the area, and any such lessee may submit evidence at any hearing conducted with respect to such claim. Such hearing examiner shall promptly adjudicate the case and render a decision in accordance with section 554 of title 5, United States Code. If such decision is in favor of the person filing the claim, the hearing examiner shall include as part of the amount certified to the Secretary under paragraph

(4) of this subsection reasonable attorneys' fees incurred by such person in pursuing such claim.

"(2) For purposes of any hearing conducted pursuant to this section, the hearing examiner shall have the power to administer oaths and subpoena the attendance and testimony of witnesses and the production of books, records, and other evidence relative or pertinent to the issues being presented for determination.

"(3) A hearing conducted under this section shall be conducted within the United States judicial district within which the matter giving rise to the claim occurred, or, if such matter occurred within two or more districts, in any of the affected districts, or, if such matter occurred outside of any district, in the nearest district.

"(4) Upon a decision by the hearing examiner and in the absence of a request for judicial review, any amount to be paid, subject to the limitations of this section, shall be certified to the Secretary, who shall promptly disburse the award from the appropriate area

account. Such decision shall not be reviewable by the Secretary.

"(f) Any person who suffers legal wrong or who is adversely affected or aggrieved by the decision of a hearing examiner under this section may, no later than sixty days after such decision is made, seek judicial review of such decision (1) in the United States court of appeals for the circuit in which the damage occurred, or, if such damage occurred outside of any circuit, in the United States court of appeals for the nearest circuit, or (2) in the United States Court of Appeals for the District of Columbia.

"(g) Not later than one year after the date of the establishment of any area account under subsection (b) of this section, the Secretary shall submit a report to the Congress setting forth his recommendations as to whether or not claims should be paid from such account which are based on damages caused by materials, equipment, tools, containers, or other items, the ownership and responsibility for which is known on the date of the submission of such claims.

SENATE—Tuesday, January 24, 1978

The Senate met at 9 a.m. and was called to order by Hon. HOWARD M. METZENBAUM, a Senator from the State of Ohio.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray.

O God, before whom the generations rise and pass away, make us mindful of those whom we have "loved long since and lost awhile," who have fought a good fight, kept the faith, finished their course, and are at rest with Thee. We thank Thee for the great and good lives of our comrades LEE METCALF and HUBERT HUMPHREY, for their high idealism, their selfless service, their pure patriotism, their devotion to human betterment, their dedication to justice, their pursuit of peace, and their manly religion. May we be bound to them eternally by ties of memory and hope. Grant us a measure of their qualities that with Thy help, we may continue to build on Earth that kingdom whose builder and maker is God.

We pray in His name which is above every name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The second assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., January 24, 1978.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HOWARD M. METZENBAUM, a Senator from the State of Ohio, to perform the duties of the Chair.

JAMES O. EASTLAND,
President pro tempore.

Mr. METZENBAUM thereupon assumed the chair as Acting President pro tempore.

QUORUM CALL

Mr. DOMENICI. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MELCHER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE JOURNAL

Mr. MELCHER. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, January 23, 1978, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EULOGIES TO SENATOR HUBERT H. HUMPHREY AND SENATOR LEE METCALF

The ACTING PRESIDENT pro tempore. Under the previous order the Senate will now proceed to the consideration of eulogies for Senators HUMPHREY and METCALF for not to exceed 3 hours.

SENATOR LEE METCALF: A MODEST MAN OF MANY GREAT ACCOMPLISHMENTS

Mr. MELCHER. Mr. President, a great American leader was lost when Senator LEE METCALF of Montana passed away. Senator METCALF's accomplishments were literally legion in many fields—education, conservation, human rights, consumer protection, economic development, natural resources, labor legislation, agriculture and others.

Senator METCALF will be remembered with the highest esteem by leaders in all the movements he served, entitled to the "Most Valuable Player" award in many of them, and entitled to far greater recognition as a national leader than he

ever received during his lifetime because of his own selflessness; he did not boast of his accomplishments, or even mention them. His office did not issue press releases except on occasions when those releases were to expound a cause.

LEE METCALF believed in working men and women and fought for people and their livelihoods. Farmers and their families shared his interest and concerns and his votes were for their betterment. He never shirked or ducked. He delivered.

I ask unanimous consent to have printed in the RECORD a biography of the Senator which, I am advised, was revised after he passed away to include materials about his accomplishments somewhat beyond the facts of his birth, education, military service, election to the Montana Supreme Court, and then Congress and the United States Senate—the bare facts that he supplied about himself.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 1.)

Mr. MELCHER. Even so, the revised biography is not an adequate measure of the man.

Before Senator METCALF came to Congress, he proved himself a great jurist and he was involved in the promotion of measures which he felt constructive—a fact of his life not mentioned in any biography I have seen.

One of those movements was a regional committee for a Missouri Valley Authority—an effort to copy the applicable features of the Tennessee Valley Authority Act in the Missouri basin as President Franklin D. Roosevelt had proposed to do in six valleys, including the Missouri. Although no such authority was created, the work of that committee, to which METCALF contributed liberally in time, energy, and leadership, brought an end to infighting between the Corps of U.S. Army Engineers and the Bureau of Reclamation and got water development in our valley off dead center. We built hydroelectric power dams instead of fighting over who should build them.

Hundreds of thousands of Missouri basin citizens now have electricity in their homes and on their farms and ranches as one consequence, and at reasonable rates, which were Senator METCALF's very special interest. His book, "Overcharge," is written testimonial of his interest in keeping the charges for modern utility services at a reasonable level. It also typifies his gloves-off rhetoric in his efforts on many fronts to benefit people who he felt were disadvantaged in our society.

As a fine lawyer, Senator METCALF blazed the trail that destroyed the myths of the fifties that there was something unconstitutional about Federal aid to education. In keeping with, and his devotion to and understanding of, the Constitution, he repeatedly and successfully pointed out that Federal aid to education predated the Constitution, having first become a national policy in the Northwest Ordinances of 1785, later reaffirmed in the Constitution.

The famed Murray-Metcalf bill, passed by the Senate in 1959 as part of the National Defense Education Act amendments—only to land in what was then the graveyard of social legislation, the House Rules Committee—was the forerunner of the Elementary and Secondary Education Act. Later, Congress enacted the bill. Incidentally, its fate led to reform of the House Rules Committee also.

It can truly be said that Senator METCALF's love of children and his faith in our public school system was second to none who ever served in Congress in his accomplishments in that respect, including impact aid and the vocational education amendments. They are a part of the legend and fruits of LEE METCALF's House and Senate service.

There is no area in Senator METCALF's biography which I have had printed in the RECORD in which his impact has not been greater than is indicated, for his knowledge of law, his careful research, and his intimate understanding of social, economic, legal, and environmental problems was unsurpassed.

I am sure that other Members of this body will discuss many other issues on which this remarkable man made major contributions.

LEE METCALF's personal attributes were as outstanding as his accomplishments. He was scrupulously honest in every respect; we all knew him as a man whose word on legislative matters or anything else was as good as a bond. He was a humanitarian constantly concerned for the welfare and rights of the disadvantaged. His fight for educational opportunity for all reflected his love of children and his devotion to the concept of equal opportunity. He made many personal sacrifices to assist his colleagues, including, most humbly, myself, and the causes to which he was devoted. If he had been intent on his personal career instead of bettering the state of our Nation and the lot of all its citizens, he might have been Speaker of the House, but he moved from the House to the Senate to conserve time spent campaigning every 2 years. At one time he surrendered his seniority on the In-

terior Committee to accommodate the Senate leadership and Senator Carl Hayden, who late in his career sought a seat on the Interior Committee to work for the central Arizona project. That was typical of LEE.

The affection and respect of Montanans for LEE METCALF is reflected in many editorials which have appeared in the Montana press. I ask unanimous consent, Mr. President, to have several such editorials printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 2.)

Mr. MELCHER. Those editorials range from the heartfelt praise of editors who agreed with LEE METCALF's philosophy to that of an ideological foe of Senator METCALF who described LEE's love of "God's Country"—his home State—and concluded that "on matters of conservation and protection of the environment, we could relate to him." He added:

Senator METCALF was cooperative and responded promptly to all inquiries we directed at him and he recognized the value of communication. We will miss him.

In another editorial, Editor Mel Ruder of the Pulitzer Prize-winning paper, the Hungry Horse News, properly classes Senator METCALF with three of our State's most distinguished Senators—Mansfield, Walsh, and Wheeler—concluding that:

This vast but thinly populated state has contributed much to the Nation in having such United States Senators.

I very humbly agree.

Senator METCALF and I saw eye to eye on most issues. I shall always be proud and grateful for his energetic support of my candidacy for the House and Senate. And I shall always be grateful that the Senator kept in perspective and recognized my right to exercise my individual judgment in the few cases when we did not see eye to eye.

LEE METCALF was a great citizen and a great public servant in every respect and Montana will long mourn his premature passing. Although we know that he suffered constantly from war injuries and had a heart condition, none of us were prepared for his unexpected passing.

Senator METCALF had announced his intention of retiring at the end of this Congress. He wanted to return to God's Country to finish out his life.

Montanans will always regret, and feel a great loss because he did not have the opportunity to fulfill his wish and enjoy many more years at home in the Great Sky Country—God's Country—which he so deeply loved.

EXHIBIT 1

LEE METCALF OF MONTANA, U.S. SENATOR PERSONAL BACKGROUND

Lee Metcalf has served in public office almost continuously—with time out for wartime duty in the U.S. Army—since first being elected to the Montana State Legislature in 1936, the year he was graduated from law school.

Born January 28, 1911, in Stevensville, Montana, he is the son of the late Harold E. Metcalf, cashier of the First State Bank of Stevensville, and Rhoda (Smith) Metcalf, the daughter of Bitter Root Valley pioneers.

His wife is the former Donna Hoover of Wallace, Idaho, a 1935 journalism graduate of the University of Montana. They have a foster son, Jerry, who was graduated from the University of Montana in 1960, completed a master's degree at Northwestern University the following year, and subsequently worked for advertising agencies in New York City until 1971, when he returned to Montana to establish a small business. In 1976, Jerry ran successfully for the Montana Legislature and is currently serving as State Representative from the Helena area.

Metcalf completed grade and high school in Stevensville, attended the University of Montana for one year, and then transferred to Stanford University, where he earned a degree in history and economics. He returned to the University of Montana to attend law school, from which he received his law degree.

Shortly after the outbreak of World War II, he volunteered for the Army. He trained with the 607th Tank Destroyer Battalion, went overseas for the Normandy invasions, and served with the 1st Army and the 9th Infantry Division in five campaigns through France, Belgium and Germany. After the surrender, he assisted in drafting the ordinance for the first free local elections in postwar Germany.

GOVERNMENT SERVICE

Metcalf served as a Representative from Ravalli County in the Montana Legislature for one year, resigning in 1937 to accept appointment as an assistant State attorney general. In 1941, after completing his term as first assistant attorney general, he practiced law briefly in Hamilton, Montana.

Following his Army discharge, in 1946, Metcalf was elected on the State's non-partisan judicial ballot as an Associate Justice of the Montana Supreme Court. He served on the court until 1952, when he was elected to succeed Mike Mansfield as U.S. Representative from Montana's First Congressional District. He was reelected to three additional terms in the House before being elected to the U.S. Senate in 1960—he is the only native born Montanan to serve the State in this capacity—to succeed retiring Senator James E. Murray. He was reelected to the Senate in 1966 and again in 1972.

While a Member of the House of Representatives, Metcalf was elected first chairman of the Democratic Study Group, of which he was a founder, composed of some 150 of his colleagues. He was also elected by the full Democratic Party membership of the House to serve on the Ways and Means Committee, which then was responsible for selecting Democratic Members to fill vacancies on all other House Committees.

In the Senate, Metcalf was unanimously chosen in 1963 as acting president *pro tempore*, and has been reelected ever since, serving in this position—in which he presides over the Senate in the absence of its President—longer than any other Senator.

In addition to Ways and Means, Metcalf served on the Committees on Education and Labor, and Interior and Insular Affairs, and on the Select Committee on Astronautics and Space Exploration while in the U.S. House. In the Senate he has served on the Committees on Public Works (1961-1966)—of which he was chairman of the Subcommittee on Mississippi Plains Regional Flood Control—Labor and Public Welfare (1963-1965), and Finance (1966-1968).

At present, he serves on the Senate Committees on Energy and Natural Resources and Governmental Affairs. On the former, he has served as chairman of the Subcommittee on Indian Affairs (1965-1966) and the Special Subcommittee on the Outer Continental Shelf (1969-1970), and is now chairman of the Subcommittee on Public Lands and Resources. He is also chairman of the Government Operations Committee's Subcommittee on Reports, Accounting and Management.

Metcalf was a member of the temporary Joint Committee on the Reorganization of the Congress (1965-1968) and in 1973 was elected as first Senate chairman of its successor, the Joint Committee on Congressional Operations. He was appointed by Senator Mansfield to the select committee which reorganized the Senate committee system (1966-1976) and since 1976 has served as chairman of a special committee established by the joint leadership to guide the Senate's response in a series of Federal Court proceedings.

From 1961 to 1975, for all but a brief period, Metcalf served on the Migratory Bird Conservation Commission—composed of the Secretaries of Interior, Agriculture and Transportation, and three other Members of Congress—which acts on proposals for additions to the national waterfowl refuge system. He attended every Commission meeting held during his tenure, in which the Commission decided on the purchase of a total of 525,000 acres of land and the creation of 43 new refuges as well as additions to many others.

LEGISLATIVE ACTIVITIES

Metcalf is widely recognized for his interest in and work on behalf of public education, conservation, consumer protection, economic development and governmental reform. Highlights of his legislative activities in these and related areas include:

Education and human resources

Early in his Congressional service, Metcalf assumed a leading role in the development of the legislative proposals and enactments that culminated in the mid-1960s in a massive Federal commitment to support public education.

He helped shape and extend the National Defense Education Act of 1958—the first major Federal aid to education legislation since passage of the Morrill Act of 1862—and the following year he joined the late Senator Murray in sponsoring new legislation for general aid to education. The Murray-Metcalf bill, designed to provide for transfer of Federal funds to the states to help hard-pressed local school districts, was the forerunner of the landmark Elementary and Secondary Education Act of 1965.

His other proposals in the field of education have included legislation, now law, to release surplus government property to schools (and hospitals) to improve library service, to assist schools and colleges in classroom construction, to fund student and teacher scholarships and student loan programs, and to extend the G.I. Bill to veterans of both the Korean and Vietnam wars.

Metcalf also joined in introducing legislation to provide medical care for the elderly through Social Security, enacted into law in 1965, and has cosponsored proposals since 1970 for extension of health security through a national medical insurance system.

Throughout, he has worked to provide for full participation of Indians in Federal assistance programs in support of improved educational opportunity—he was a cosponsor of the Indian Self Determination and Education Act of 1974 as well as of similar legislation in 1972—better health care and welfare programs.

Conservation and natural resources

Metcalf has participated in the development of much of the major legislation dealing with conservation and environmental protection over the past decade, and has sponsored numerous additions to the Nation's wilderness and national parks systems.

Early in his House service, he led opposition to a bill that would have given vested rights in the national forests to commodity interests. Later, as a Senator, he joined in successful efforts to reverse a Forest Service decision to permit logging of the 200,000-acre Magruder Corridor adjacent to Montana's southwestern border.

Beginning in 1956, he sponsored wilderness preservation legislation, eventually enacted in the Wilderness Act of 1964, giving statutory protection to areas which had been protected only by agency fiat. Since passage of this Act, he has supported designation as wilderness of each area subsequently added to the system. He was especially active in designation of the Lincoln-Sagegoat Wilderness Area, passage of the Montana Wilderness Study Act in 1976 to study 973,000 acres in nine parcels scattered throughout the State, and enactment of legislation creating the small Welcome Creek Wilderness Area near Missoula. He is currently working on bills to give wilderness protection to nearly a million acres in the Absaroka-Beartooth region adjacent to Yellowstone National Park, and to nearly 400,000 acres of the Great Bear Area just south of Glacier National Park.

Metcalf has also been a staunch supporter of the National Wild and Scenic River System and was instrumental in including in the system over 200 miles of the three forks of the Flathead River in Western Montana and approximately 150 miles of the Missouri River in Central Montana.

Concurrently, he has supported additions to the national wildlife refuge system, and his was the original proposal, introduced in 1956 and enacted the following year, for a comprehensive study of the effects of pesticides on fish and wildlife.

He joined in sponsoring legislation for the inventory of the Nation's outdoor recreational resources and needs (the Land and Water Conservation Fund Act of 1965), and, similarly, was a sponsor of the following laws to combat air and water pollution:

Clean Air Act (1963) and Amendments (1965 and 1966); Air Quality Act (1967); and Air Quality Improvement Act (1970, incorporating provisions of three Metcalf bills).

Water Quality Act (1965); Clean Water Restoration Act (1966); and Water Quality Improvement Act (1970).

Solid Waste Disposal Act (1965); and Resource Recovery Act (1970).

Beginning in 1971, he became a leading Congressional proponent of proposals for regulation of strip mining and the reclamation of lands from which coal is mined. On two occasions, in 1973 and again in 1975, he conducted hearings of the Senate Interior Committee on legislation to assure that mining activities are conducted so as to prevent or minimize degradation of the environment and to bar such activities where reclamation is not feasible.

As Senate Floor leader, he led debate for strip mining legislation in both 1974 and 1975, when congressionally approved acts were killed by presidential vetoes. Two years later, however, Metcalf conducted new hearings and once again served as Floor leader for Senate passage of the Surface Mining Control and Reclamation Act of 1977 that was finally signed by the President and enacted into law.

Jobs and economic development

Metcalf has maintained an active interest in labor and manpower legislation, economic development and efficient use of the Nation's energy resources.

He has sponsored legislation to increase unemployment compensation, to increase the minimum wage and extend its coverage, and to improve job safety. He cosponsored extension of the National Wool Act in 1954. Two years later, he chaired hearings by a special subcommittee on health and safety in underground mines which led ultimately to enactment of the Mine Safety Act of 1961.

In 1961, Metcalf joined in introducing legislation calling for creation of a Youth Conservation Corps, patterned after the Civilian Conservation Corps of the 1930's. This proposal was incorporated into the Economic Opportunity Act of 1964.

He cosponsored the Area Redevelopment Act of 1961, to aid economically depressed

areas; the Public Works and Economic Development Act of 1965, to encourage regional economic development; and the Rural Development Act of 1972.

In 1967, Metcalf sponsored legislation limiting the tax advantage of "hobby" farmers, a proposal incorporated, in part, in the Tax Reform Act of 1969 and included in most of its particulars in the tax reform measure passed by the House in 1975.

In 1969, he conducted hearings on problems associated with utilization of natural resources on the ocean floor. Two years later, he introduced the first Deep Seabed Hard Minerals Resources Act, to protect the Nation's interest in access to mineral deposits—some of which, such as manganese, are in critically short supply—pending development of an acceptable international agreement for their recovery. He has since been the leading Congressional proponent of legislation in this area and has been represented in the international Law of the Sea Conferences held to negotiate a seabed treaty.

Metcalf has sponsored Federal development of hydro-electric generation facilities—including the funding necessary to build the Libby and Yellowstone Dams in Montana—and expansion of research and development of non-nuclear alternative sources of energy. Since 1970, he has been the sponsor of legislation to establish a National Power Grid System, to provide for efficient use of—and reduced rates for—electrical energy.

He has also maintained a particular interest in conservation—the wise use, not misuse—of the Nation's forests and their resources. He has been critical of the over-emphasis on commodity uses, especially the cutting of timber at high elevations in important watersheds, and has advocated restricting timber harvesting to those areas where intensive management can assure rapid regeneration. He sponsored legislation which was the forerunner of the Forest and Rangeland Renewable Resources Act, enacted in 1974, calling for a nation-wide assessment of resources and a statement of goals by the Forest Service extending beyond the turn of the century. He was also a principal architect of the landmark National Forest Management Act of 1976, which redefines "sustained yield" and requires a more rational economic basis for selecting cutting sites.

Consumer protection and information

Metcalf has for many years been a leading Congressional advocate of measures designed to give consumers a more effective voice in government.

He has cosponsored, among others, bills in such areas as fair packaging and labeling (1965), disclosure of the costs of consumer credit (1969), and warranty and standards performance (1969).

In 1963, he joined in sponsoring legislation to establish a Federal office to handle consumer complaints, to generally represent the economic interests of consumers before the various executive departments, and, when necessary, to intervene and speak for consumer interests in cases pending in the Federal regulatory agencies or in the courts.

Since then he has devoted particular attention to the need for representation for the consumer—through consumer's legal counsels—in the regulatory process. Included in legislation he has sponsored in this area have been the Intergovernmental Utilities Consumer's Counsel Act, in 1968, and the Transportation Consumer's Counsel Act the following year.

In 1972—to insure that all parties to Federal regulatory actions have ready access to reliable information—Metcalf initiated a major inquiry into the adequacy and accuracy of information submitted by regulated companies. He subsequently chaired hearings on the findings of this study, resulting in the development of a proposal for adoption of uniform corporate disclosure and reporting requirements. Announced in 1975, this model code is presently

being considered by the various Federal regulatory agencies.

Congressional and governmental reform

Since the mid-1960s, Metcalf has been increasingly identified with measures to improve the effectiveness and responsiveness of the Federal government.

In 1967, he introduced legislation calling for use of the income tax check-off method to encourage more small contributions in Federal election campaigns, reducing thereby the disproportionate influence of large contributions. This proposal embodies the principle of public financing of such campaigns, enacted in 1974.

Metcalf served on the committee which reported the recommendations that were incorporated in the Legislative Reorganization Act of 1970, and led debate during passage of this measure—the first comprehensive Congressional reform legislation in almost 25 years—in the Senate. Two years later, to assure citizen and media access to important Congressional committee deliberations, he initiated a rules change permitting Senate committees and, ultimately, joint Senate-House conference committees to open up legislative markup meetings, which had been held behind closed doors under the previous rules.

In 1973, as chairman of the Joint Committee on Congressional Operations, he submitted a report to Congress recommending the opening of the House and Senate chambers to direct radio and television coverage. Subsequently, both Houses have been considering ways to provide for such coverage, thus giving the vast majority of Americans who are unable to watch in person an opportunity to see and hear important debates in their National Legislature.

The same principle of openness is incorporated in the Federal Advisory Committee Act, which he originated and which became law in 1972. Governing the hundreds of committees established to advise Federal officials on public policy matters, this Act requires all such committees to broaden their membership and to conduct their business publicly in meetings announced in advance. Moreover, it also provides for identification and termination of those committees which have outlived their usefulness, a procedure followed in reducing the number of such committees by almost half in 1977.

In 1973, Metcalf conducted the hearings on proposals for strengthening control over the Federal budget that resulted in enactment the following year of the landmark Congressional Budget and Impoundment Control Act. Containing most of the provisions of legislation sponsored by Metcalf, this Act replaces a fragmented Congressional process with one that permits Congress to look at proposed Federal spending and revenues "whole" each year, to determine what levels are needed under existing economic conditions, and to establish priorities among various governmental activities.

The Act created Budget Committees in the House and Senate, to direct the new process, and a Congressional Office of the Budget to provide current information relating to spending and revenue decisions. And to maintain the constitutional power over the purse, the Act also provides for legislative veto of actions by the Executive to withhold spending for Federal programs or activities approved by Congress.

AFFILIATIONS AND AWARDS

Metcalf has served on the Executive Committee of the American group in the Interparliamentary Union—an international organization of elective legislative officials—since 1969, when he was a member of the U.S. delegation to the organization's New Delhi, India conference. He was vice-president of the American group in 1972-1973, and was a delegate to the organization's conference on economic cooperation and security held in Belgrade, Yugoslavia, in 1975.

He has also participated in numerous other international conferences dealing with the problems of elected legislative officials, including:

Canada-United States Interparliamentary Group meetings in Ottawa and Quebec, Canada (1961);

NATO Parliamentarians' Conference in Paris, France (1961);

Conference of American Legislators at Ditchley Park, Oxfordshire, England (1964);

North Atlantic Assembly, in Brussels, Belgium (1968);

U.S.-Japan Parliamentary Exchange Conference in Tokyo (1969);

Conference of American Legislators at Ditchley Park, Oxfordshire, England (1970);

Interparliamentary Union Spring Meeting in Caracas, Venezuela (1951);

U.S.-Japan Parliamentary Exchange Conference in Tokyo (1971); and

Canada-U.S. Interparliamentary Group in Victoria, B.C. (1977).

Metcalf is a member of the Montana Bar and has been admitted to practice in all Federal courts, including the U.S. Supreme Court and the U.S. Court of Military Appeals. His memberships in fraternal and other organizations include the American Law Institute, the National Judicature Society, the Masons, Elks, American Legion, Veterans of Foreign Wars, Disabled American Veterans and Amvets, Sigma Chi, and Phi Delta Phi national honorary legal fraternity.

He has received recognition for "Distinguished Service to Conservation" from five major national organizations, the Izaak Walton League of America, National Parks Association, National Wildlife Federation, Wilderness Society and Wildlife Management Institute. His other awards have included citations for distinguished service by the Legislative Commission of the National Education Association and by the Mid-West Electric Consumers Association, the Leland Olds Award of the Western Water and Power Consumers Conference and recognition for outstanding assistance from the National Telephone Cooperative Association.

Most recently, in 1975, he received the Distinguished Service Award of the Consumer Federation of America for "dedicated service to consumers throughout his legislative career."

[From the Hungry Horse News, Jan. 19, 1978]

METCALF OF MONTANA

Much in contrast were the funerals and national publicity given the deaths last week of two United States senators, both 66 years old and veterans of the Washington scene.

There was national and state ceremony and tribute for HUBERT HUMPHREY, former vice president, presidential contender and long-time United States senator from Minnesota who died Jan. 13. He was born May 27, 1911.

On the other hand, national radio and television had only brief mention of Lee Metcalf, born Jan. 28, 1911 who died Jan. 12 from an apparent heart attack during the night in Helena. Metcalf was elected to the United States Senate in 1960, re-elected in 1966 and 1972, and was to retire the end of this year. Previously he had served as a U.S. representative for eight years.

Funerals of Humphrey and Metcalf were in contrast. Metcalf shunned publicity, and private funeral services for him Sunday were attended by his wife, Donna, foster son, Jerry, and a niece of the Metcalfs. Cremation took place Friday.

Montana newspapers, especially the Missoulian, provided good coverage of Metcalf's passing. He was the son of Harold E. and Rhoda Smith Metcalf, born near Stevensville where his father was a cashier in the bank.

In 1936, the year he was graduated from the University of Montana law school he was elected a state representative from

Ravalli County. He previously had a Stanford degree with major in economics and history. After one year as a state representative he resigned to be appointed assistant state attorney general. In 1941 when he was first assistant attorney general he resigned to become a lawyer in Hamilton.

Following distinguished Army service in Europe, Metcalf in 1946 was elected to a six-year term as an associate justice of the Montana State Supreme Court, completed the term, and was elected a U.S. representative succeeding Mike Mansfield who was elected a U.S. Senator. After four terms in the House, he was elected to the Senate to succeed retiring Senator James Murray in 1961.

Metcalf received many national awards for his interest in natural resources and conservation. He was a co-sponsor of the Wilderness Act of 1964, helped write the National Defense Education Act, was the scourge of private utility companies, accusing them of reaping excess profits.

Likely no other United States senator did more for conservation, and he was especially active in this field in recent years. The proposed Great Bear Wilderness between the Bob Marshall Wilderness and Glacier National Park is coming about much faster because of Metcalf and he more than anyone else brought about wild and scenic river designation for a part of the Missouri.

There have been many statements by Montana's Metcalf.

Joe Crosswhite, Columbia Falls, who was president of Montana's AFL-CIO from 1957 until 1969 had long association with Metcalf, and commented: "He was a skilled effective legislator, always for the working man."

The Hungry Horse News editor took a number of pictures of Metcalf starting in the 1950s.

About two years ago, Lee stopped by the office, and Cliff Greenland, local sculptor, wanted to give him a small Indian head he'd made. Lee wouldn't take it, and then he said: "I'll buy it from Cliff, and I want to give it to you."

About ten days later, a package arrived from Washington, D.C. with two brass donkeys, attractive bookends. The price was still affixed and there was a nice card. It was somewhat more than the \$25 we paid Cliff.

In this day when congressmen are off on junkets all over the world, Metcalf was in contrast. Somehow one doesn't imagine him vacationing at taxpayers' expense.

Former Senator Mike Mansfield said Metcalf "... was the best partner I ever had ... such a good and intelligent man." Mansfield, now ambassador to Japan continued: "Metcalf would most like to be remembered for his independence." He also praised his grasp of constitutional law, his great concern for human rights—particularly the rights of Indians.

Mansfield and Metcalf concurrently represented Montana for 16 years.

This was a high caliber team from Montana in Washington, a state that earlier had Walsh and Wheeler.

This vast, but thinly populated state, has contributed much to the nation in having such United States senators.

[From the Havre (Mont.) Daily News, Jan. 16, 1978]

LEE METCALF'S LOVE FOR MONTANA

Several years ago while visiting in Havre, U.S. Senator Lee Metcalf told us that there were times during his long political career he envied the people at home in Montana because they lived in what he termed, "God's country."

"Imagine," he said, "how wonderful it is to be able to leave the cares of your daily work and in a few minutes be in the great outdoors, relaxing and just having a wonderful time. I enjoy my work in Washington

serving our people but there is nothing like being home and Montana is home. There are so many grand people who make a home what it should be, a place of comfort and shelter where contentment prevails."

Then the senator talked about the need to protect the environment of home and he meant not only one's personal surroundings but an entire area enjoyed by his fellow man. He was in his element and his enthusiasm left us with a warm feeling.

When he came into our office we wanted to talk about some anti-corporation stand he had taken on an issue but in hearing Sen. Metcalf talk about the joy which could be found in one's surroundings we completely forgot his brief encounter with big business. He left us feeling so much more appreciative of the wonders of Montana. The senator's sincerity about protecting our surroundings for future generations to enjoy left us satisfied and we have a lasting memory of a man who cared for God's gifts of nature.

This in part is reflected in the senator's service as a member of the Senate Energy and Natural Resources Committee and his dedication to work on subcommittees such as energy conservation and regulation, parks and recreation, public lands and resources of which he was a chairman.

Much of his political philosophy was not in line with ours, liberalism vs. conservatism, but on matters of conservation and protection of environment we could relate to him.

Senator Metcalf was cooperative and responded promptly to all inquiries we directed at him and he recognized the value of communication. We will miss him. HCW

[From the Great Falls (Mont.) Tribune, Jan. 14, 1978]

SENATOR LEE METCALF

Sen. Lee Metcalf was a man of integrity and courage.

He was a Democratic liberal who took strong positions and talked bluntly and plainly on positions he considered in the public interest.

During his long and distinguished career in government, Lee Metcalf was recognized as an outstanding champion of education and conservation.

In his four terms in the U.S. House of Representatives and three in the Senate, Metcalf was a leader in moves to improve education. In 1959, as a member of the House, he and the late Sen. James E. Murray of Montana, co-authored the Murray-Metcalf bill to extend federal aid to public schools. That became the forerunner of the Elementary and Secondary Education Act of 1965 which has played a significant role in public school financing.

The late Sen. Wayne Morse of Oregon called Metcalf "Mr. Education" for his efforts to improve education.

Metcalf was proud of his sponsorship of legislation to aid libraries, especially those in rural areas.

As a senator, Metcalf was recognized as one of the most able parliamentarians in Washington, D.C. He was invited frequently to participate in international parliamentary conferences.

Mike Mansfield, now ambassador to Japan and Senate Majority Leader for a record 16 years, credited his friend and "best partner" Metcalf with having the finest legal mind in the Senate. Metcalf was elected acting president pro tempore of the Senate and held that position longer than any other person in history.

In an interview with Tom Kotynski of the Tribune's Capitol Bureau a week before he died, Metcalf confessed that he thought his worst political mistake was leaving the House to run for the Senate.

He explained that opportunities for leadership in the Senate had been closed to him because of Mansfield's powerful position as Majority Leader. Senate rules prohibit two

senators from the same state holding leadership positions.

If he had remained in the House, Metcalf would have achieved top leadership positions. In his first term in the House, he helped organize and became the first chairman of the Democratic Study Group, composed of young liberals who wanted to reform the archaic practices of the House.

Metcalf understood the importance of seniority in Congress and said he would resign as soon as his elected successor, Democrat or Republican, was certified.

Metcalf's untiring work on behalf of the outdoors won him many honors. He was one of a handful of persons cited by the five major national conservation organizations for distinguished service to conservation.

That award, presented after Metcalf's first term in Congress, was given to the Montanan by the late Bernard DeVoto, Pulitzer prize-winning historian, on behalf of the Izaak Walton League of America, the National Parks Association, National Wildlife Federation, Wilderness Society and the Wildlife Management Institute.

The citation, which indicated the path Metcalf would take in following years in the House and Senate, might well serve as an epitaph for the senator. It read:

"Lee Metcalf's alert and continuing work in the nation's capital has won him widespread respect and admiration. By virtue of his profound interest and comprehensive understanding of conservation and its objectives and problems, he has, during the first term of office as a member of the House of Representatives of the U.S., emerged as a defender of the principles of better management and wise use of natural resources for the benefit of all the people..."

Future generations of Americans will appreciate Lee Metcalf's hard work and foresight on behalf of conservation measures and wilderness areas.

[From the Helena (Mont.) Record, Jan. 13, 1978]

THE UNKNOWN SENATOR?

A 1971 magazine article about Sen. Lee Metcalf was headlined "The Senator No One Knows."

If Lee Metcalf was known as the senator that no one knows it was because he was more concerned with his work in the Senate than he was with publicity.

Metcalf accomplished a great deal during his years in Congress and the Senate, but he shunned publicity. Congressmen usually make it a point to visit newspaper, radio and TV offices when they return to their home states. Not Lee Metcalf. When he returned to Montana he visited with his constituents—not the press. He did his job and let the results speak for themselves.

Whether you agreed with his political philosophy or not you had to admire a man who truly was his own man. He voted his conscience.

Metcalf served in Congress for almost 24 years. During this time he gained a reputation as an ardent foe of investor owned utilities, a champion of the rights of the American Indian, a man who zealously sought to protect the interests and rights of the average person.

In recent years he zeroed in on investigating the role of the thousands of advisory committees that he felt exercised undue influence over government; he was instrumental in revising Congress' control over the budget and gained a national reputation for his staunch advocacy of tough federal strip mine reclamation laws.

It was Metcalf who fought to preserve the Missouri River—a long fight that he only recently won. He also was a strong supporter of wilderness legislation.

Maybe Lee Metcalf was the senator no one knew in Washington. But he was a man

who was known and respected in his home state.

Lee Metcalf will be remembered by his colleagues and his friends in Montana as a fiercely independent man; a man who gained a reputation as an expert on constitutional law; a man who presided over the Senate more than any other senator.

He has more than earned his place in Montana history.

[From the Great Falls (Mont.) Tribune, Jan. 13, 1978]

CENTRAL MONTANANS REMEMBER SEN. METCALF AS STAUNCH SUPPORTER OF WORKING PEOPLE

Lee Metcalf was once described in a biography as "one of one hundred."

In his book, "Metcalf of Montana," Richard Warden wrote, "The United States Senate has just 100 members representing almost 200 million Americans in the 50 states. They are not average people sent to Washington to do an average job, but are leaders chosen by their fellow citizens for the all-important task of directing our country's government."

This is the kind of job Montanans think Metcalf did:

Ray Graham, Great Falls, retired smelterman—"You'd have to go back to Montana's Sen. Thomas Walsh to find a senator comparable to Lee Metcalf. I met him first when he was in the legislature and I campaigned for him the first time when he ran for the Supreme Court. He was a people's representative. He represented no particular group. What was best for the common good of all the people was what he supported. For instance, he believed the wilderness belongs to all of us, not just those who want to sink a mine shaft or dig an oil well for personal gain. It belong to all of us. I'll tell you the kind of man he was: He said he wouldn't get into any fights over his successor. But he did say that whoever was elected, he would resign right after the election so Montana's new senator would have seniority. That speaks for him."

James Pasma, Havre, Democratic national committeeman—"I think it may very well be that the conservationists, the working people, the minorities and the less fortunate in our midst have lost their most consistent ally from the U.S. Senate."

Archie McInnis, Great Falls, retired rancher and former legislator from Judith Basin County—"When my son, Jack, was going to Georgetown University and his wife was going to University of Maryland, my wife and I went back to babysit their youngster for more than a year. I used to go down to the Capitol and chew the fat with Sen. Metcalf. He was wonderful. He was also very direct and to the point. I was sitting in his office once waiting for him to get off the phone. I heard him tell someone, 'And you tell them I think he is a son-of-a-bitch!' I laughed. There were all those secretaries around, you know. The senator looked at me in surprise, as if to say, 'You think I'm joking, don't you?'"

P. J. "Pat" Gilfeather, Helena, member of the Public Service Commission—"Ever since he started running for office, he tried to do that which he thought would serve the future, as well as the present. He felt we needed to preserve our wilderness and natural resources in a way which would benefit not only us, but those who are to follow. Some today give thought only of today and how to get out of the mess they're in. I'm very sorry I didn't repay him for a dinner I think I owed him. When I first ran for the Public Service Commission, right after the formation of the new districts, I had the honor of having him speak for me at a big Democratic get-together in Great Falls. This was because of his interest in public utilities. I promised I'd take him out to dinner. I reminded him of it last fall when

he paid the commission a visit. But we never got around to it."

Loretto Lohman Roberts, Great Falls, long-time Democratic volunteer—"Sen. Metcalf certainly has been a protector of Montana and a great asset to us. And he certainly worked to keep the utilities in line. Remember that whole page he took out in the Great Falls Tribune? And the book he wrote? He's gone to bat for us to keep things equalized. I've known him for maybe 25 years. I remember visiting his office in Washington in 1964 at the time of the Democratic National Convention. I remember a beautiful reception for the delegates at the National Gallery, at which Mrs. Metcalf served as a hostess. We met all the Kennedy family and the cabinet, Senate and House wives. The Marine Band played in the midst of red and white azaleas. This isn't important but it was what he was a part of back there. Yet he always spent his time working for us."

Dorothy Floerchinger, Conrad, retired educator and community worker—"I knew Lee Metcalf from the time he was a young congressman. I attended a Farmer-Labor Institute at the University of Montana during the 1950s and I remember how thrilled I was to meet a young person with such big ideals. I was so shocked to hear about his death. I had been reading about him retiring and I was hopeful he and Mrs. Metcalf would have some years to travel and have some fun."

N. J. "Doc" Dougherty, Cascade County Democratic chairman—"When I heard the news I couldn't help but think back to a recent news story telling how Sen. Metcalf had not really wanted to run for Murray's Senate seat back in 1980, and how he believed he could have made more impact by remaining in the House. I think that may be true. But I also think his leadership in the Senate has brought about much correction in corporate structures. He was the most anti-big corporation in the U.S. Senate. I'm referring to the cartel-type corporate structure. I think he probably treasured his recognition in the environmental field more, however. He was a walking encyclopedia there."

[From the Helena (Mont.) Standard, Jan. 13, 1978]

MIKE MANSFIELD MOURNS LOSS OF HIS "BEST PARTNER"

TOKYO.—Former U.S. Sen. Mike Mansfield, notified Thursday afternoon of Sen. Lee Metcalf's death, said he had lost his "best partner."

Mansfield, American ambassador to Japan, learned of his former colleague's death in a telephone call from the Standard State Bureau. In a brief interview, Mansfield eulogized his former colleague as "the best of men and the finest legal mind in the Senate."

Mansfield, whose voice broke several times during the interview, said he was "shocked and saddened" at the news. "It's terrible . . . he was the best partner I ever had . . . such a good and intelligent man."

The ambassador said it was especially ironic that Metcalf, who had announced retirement plans, was unable to serve out his term of office.

Mansfield said he had received a letter from Metcalf Wednesday in which Metcalf indicated he was looking forward to his last year in the Senate "and looking forward even more to his return—permanently—to the Big Sky country so he could enjoy the state and his retirement with (his wife) Donna."

Mansfield said he would be unable to return of Metcalf's funeral because of on-going U.S.-Japan trade negotiations. Mansfield was reached at 7:30 a.m. Friday, Tokyo time, and had to temporarily abandon a negotiating session to take the call.

He said he thought Metcalf would most like to be remembered for his independence. "The occasion was not rare when he stood

alone in voting against popular Senate sentiment," Mansfield said.

The ambassador also said Metcalf should be remembered for his grasp of Constitutional law and his "great concern for human rights—particularly the rights of Indians."

Metcalf succeeded Mansfield as Western District congressman when Mansfield was elected to the Senate in 1952. In 1960, Metcalf, too, advanced to the Senate, where the two men concurrently represented Montana 16 years.

EXHIBIT 2

[From the Missoula (Mont.) Missoulian, Jan. 13, 1978]

LEE METCALF

The shock of Lee Metcalf's sudden death is profound. He was a controversial man, not a great one, but a person of courage and intelligence and fundamental humanity.

The mind immediately turns to the political implications of this. Will Gov. Tom Judge resign and have himself appointed to Metcalf's United States Senate seat by his successor Lt. Gov. Ted Schwinden? It could resuscitate Judge's faltering political career. Or will . . .

But enough of that. Speculation is reflexive, but at this moment it somehow smacks of throwing dice for a martyr's cloak. There is time to allow the politics of this to jell.

For now there is a feeling of deep sadness over the death of this strange man, this honored yet bitter man, who served his state so well.

Metcalf said in an interview published just last Sunday that he wishes he had remained in the House of Representatives.

It wasn't, he said, that he and Mike Mansfield didn't get along. It was just that the Senate has room for only one man from any state in a high leadership position, and Mike was already there.

Men who, like Metcalf, entered the House in 1953, rose to positions where they could get what they wanted done, he said. By going to the Senate, he never achieved that vital edge of power.

Metcalf was a founder of the Democratic Study Group—a loose coalition of liberal representatives who banded together to counterbalance the conservative and southern influence in the House. When Metcalf in 1960 went to the Senate, he stepped off that growing power base, and mired his career.

Yet he served Montana well. This year his wilderness study bill, S. 393, was enacted. He constantly rattled the corporate cages, the regulatory commissions, the secret committees that advise federal agencies.

His instinct for the little person and his gut distrust of the powerful were right on. Though he executed his designs sometimes clumsily, he struck fear where fear belonged that this bear of a man would somehow break loose and devour his enemies.

Lee Metcalf made a difference. Wait and see. Because love him or loath him, you always knew where he stood, and why. And when he took a stand, he knew what he was talking about. There are many persons in high office who are slicker, and smoother, and who talk better, and who always will be lesser men than he.

[From the Butte (Mont.) Montana Standard, Jan. 16, 1978]

LEE METCALF

Lee Metcalf was a fighter. Really.

Once, when he was a corporal in the army, he knocked his sergeant down a flight of steps. Despite that, he later became an officer in an anti-tank unit and fought the Nazis, too.

In the early 1960s, an elevator operator in the Senate building got sassy with Metcalf. Metcalf gave him a good dressing down and a stiff shaking up.

A well-known Washington reporter once wrote that Metcalf had "a quick temper that he has sometimes released through his fists."

Metcalf's blunt, to-the-point personality expressed itself in other ways, of course. Constituents who wrote him letters urging him to change his viewpoint on an issue often got a letter back that said "no," and very little more. And when Sen. John Melcher criticized parts of wilderness legislation Metcalf was supporting, Metcalf responded that Melcher was, well, a prevaricator.

Metcalf wasn't a run-of-the-mill, glad-handing politician. He did not court the press. In fact, the only time one editor ever saw Metcalf in his newsroom was shortly after the editor had expressed doubt to a Metcalf aide that the Senator really existed. Having personally assured the editor that he did exist he left the newsroom and never showed up again. He generally ignored the press even during campaigns. But it wasn't hostility, as far as we know, it was just the way he was—independent.

But Metcalf also was a fighter in another sense—he fought for what he believed in throughout his public career.

He fought against what he felt was greed and irresponsibility in corporate interests. His ties to organized labor were strong (perhaps too strong at times), and he seldom let down labor in a legislative battle. His was a key vote in passing the federal "bail-out" plan for Lockheed Aircraft Co. a few years ago. Metcalf had planned to vote against the federal loan guarantee for the company, but changed his mind at the last minute, saying he couldn't vote away the jobs of Lockheed's many workers.

He fought for civil rights. At one point in 1970, when Congress was considering the District of Columbia Crime Bill—which would have allowed persons suspected of being potential wrongdoers to be held without bail and which would have allowed police to conduct warrantless searches—a Senate vote favored the bill, 80-1. Metcalf was the one.

In recent years, the battle for more wilderness areas occupied much of Metcalf's time. He believed in preserving generous amounts of Montana's unspoiled magnificence for future generations. It may have been his noblest cause, and we wish Metcalf had lived to come back to Montana, as he had hoped to do, to enjoy a long and happy retirement in the state he loved.

Metcalf was no saint. But we'll miss him, flaws and all, and so will thousands of other Montanans. All in all, he was a pretty good man.

Mr. MELCHER. Mr. President, I now yield to my colleague from Montana, Senator PAUL HATFIELD.

LEE METCALF: A GREAT JURIST AS WELL AS U.S. SENATOR

Mr. HATFIELD. Mr. President, I am pleased that my first remarks on the floor of the U.S. Senate can appropriately be a tribute to my distinguished predecessor, the late Senator LEE METCALF, whom I am succeeding.

LEE METCALF was my friend and mentor. I regarded myself highly honored when the Senator mentioned my name among others as a possible successor upon his retirement. Like all other Montanans, I was shocked and saddened by Senator METCALF's passing, because we had lost a great Senator and I had lost an admired friend, and because he could not return to Montana, as he had planned, to enjoy many years as an elder statesman in what he always called "God's Country," or the Big Sky Country, where we still have unmarred mountain peaks, great tracts of primitive

lands, and an abundance of still unpolluted air and water.

The Members of this body know LEE METCALF's record as a U.S. Representative and Senator more intimately than I, so I shall not dwell on his great record here as a conservationist, as a champion of human rights, of equal educational opportunities, and an abundance of them, for every American youth, of wise use of our natural resources, and many other things.

I am LEE METCALF's successor not only in this body but also as a member of the Montana Supreme Court on which he served before coming to Congress.

Justice Metcalf, perhaps more than any other member of the court, underscored and firmly established for the courts of Montana the principle of the individual against the power of Government at any level. His decisions are still beacons for all who have followed him on the Montana bench. He was a strict constructionist for the individual rights guaranteed by the Montana and U.S. Constitutions.

He never wavered from this stance. Some years ago, his was the only vote cast in this body against a so-called no-knock, search and seizure bill, which he regarded as an invasion of individual constitutional rights. Later, the U.S. Supreme Court declared the law unconstitutional, in language strongly parallel to that used by Senator METCALF when he cast that lone vote against the bill. The incident was typical of his courage and of his unusual knowledge and grasp of the basic law of our republic.

LEE METCALF left another legacy for future generations in Montana in his strong defense of our State school lands.

Montana still owns 4 million acres of lands granted to the State when it was admitted to the Union.

As happened in other States, certain interests coveted those lands and their riches. LEE METCALF, as an assistant attorney general and as a Supreme Court justice, was adamant that those lands and the income they produced were the birth-right of the children of Montana and were for no other purpose. They still serve that purpose. Senator METCALF's protection of those lands was, of course, only one of his initial battles for education—a precursor of his great work for education in Congress.

SENATOR METCALF CANNOT BE REPLACED

I am not his replacement, but his successor. I hope, with your help and that of his beloved Montanans, that I can carry on in his footsteps in this great body and serve my State and the Nation as he served them throughout his whole career in public life.

Mr. MELCHER. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MATSUNAGA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MATSUNAGA. Mr. President, I

join my colleagues in extending heartfelt condolences to Donna Metcalf and to the people of the State of Montana on the loss of their distinguished senior Senator, LEE METCALF. The people of our Nation owe a great debt to LEE METCALF, the author and sponsor of many pioneering environmental measures, including the Wilderness Act. The progress made during the last decade in cleaning up our environment is due in large measure to the senior Senator from Montana who in his farsighted efforts in the 1950's and early 1960's pioneered the way. His leadership also made the difference on measures involving strip mining, clean water, clean air, agriculture, and environmental education.

But LEE's interests extended far beyond the environment. A founder, in the 1950's, of the House Democratic Study Group of which I was once a member, he promoted many of the congressional reforms adopted by subsequent congresses which have made the U.S. Congress more responsive to the people. His latest efforts, as a member of the Governmental Affairs Committee and chairman of its Subcommittee on Reports, Accounting and Management, were aimed at making big business more accountable and more sensitive to the needs of minorities and women. He was particularly interested in young people and helped draft improvements in the Federal Government's educational aid programs and job training programs.

As traveling companions to Senator and Mrs. METCALF in 1969, my wife and I enjoyed their company even more than the sights seen.

Senator METCALF's death leaves a gap in our ranks which will not be soon filled. As one who was fortunate to share his personal friendship and counsel, I too will miss him dearly. Mrs. Matsunaga and I extend our deepest sympathy to his widow, Donna, and other members of his family, and pray that the good Lord will be with them and comfort them.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATSUNAGA). Without objection, it is so ordered.

TRIBUTE TO SENATOR HUBERT H. HUMPHREY

Mr. METZENBAUM. Mr. President, I rise today to speak about HUBERT HUMPHREY, beloved Member of the Senate who recently passed away, but I must confess that I find words inadequate to express my admiration for this brilliant, vibrant, and compassionate man, my respect and gratitude for his enormous achievements, and my profound sadness at his passing.

For me, as for so many millions of others, HUBERT HUMPHREY was the embodiment of much that is great in the American spirit. He was a man of intellect—a great learner, always open to new ideas, curious about everything. But he was also an eminently practical

man—a master of politics in the classic sense, a peerless legislative craftsman, a man accustomed to getting results. He was an optimist and a realist, a visionary and a pragmatist. He believed deeply in the promise of America and he did as much as any man of his time to make that promise a reality.

Mr. President, there will be many monuments to HUBERT HUMPHREY. Schools and other public buildings will bear his name. University professorships will be endowed in his honor. But his real monument—the one I am sure he would value the most—is the fact that through his efforts, he was able to make his beloved country a fairer and more decent place to live in.

Working men and women in America know that HUBERT HUMPHREY supported them in their struggle to secure fair wages and safe working conditions.

Black Americans remember that HUBERT shared their passion for freedom and that he stood by his commitment to equal rights from the beginning of his public career until his dying day.

Jewish-Americans remember HUBERT as a determined foe of ethnic and religious prejudice and a faithful friend of Israel.

Poor people in America know that HUBERT fought tirelessly to insure jobs and human dignity for all. They will not forget that he stood up against those who would punish the poor for their poverty.

It can be truly said of HUBERT HUMPHREY that the world is a better place for his having lived in it. We shall not soon see his like again.

And finally, Mr. President, I want to extend my condolences to the Humphrey family and, above all, to Muriel Humphrey, the one who stood by HUBERT through all his triumphs and disappointments. Her gentle spirit was his support and her great courage sustained his own.

During these last trying months there was none to compare with Muriel Humphrey. She conducted herself as only she could. She provided all of us with a living model of courage and dignity. After HUBERT HUMPHREY left this Earth, those of us who were present during the funeral services saw again this wonderful human being standing tall, as her HUBERT would have wanted her to.

She had a warm word for those who came to pay their respects, and she provided a sense of dignity to the funeral services that was incomparable.

She has my deepest sympathy, my family's deepest sympathy, for her loss, and my warmest best wishes for her happiness in the future.

She is a lady in every sense of the word. As we cherish HUBERT HUMPHREY's memory, we also pay our respects to his beloved Muriel.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. METZENBAUM assumed the chair as Acting President pro tempore.)

Mr. ANDERSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tem. Without objection, it is so ordered.

TRIBUTE TO SENATOR HUBERT H. HUMPHREY

Mr. ANDERSON. Mr. President, it is no insult to anyone in this body to say that there is no one here like our late and beloved colleague, HUBERT H. HUMPHREY.

However successful, however productive, no present Senator can claim his role—as the most effective Senator of the 20th century—as a creative and persuasive advocate of the public good—as a symbol of hope that life could be better for people all over this world.

We already desperately miss his voice—not only on the public issues before this distinguished forum, but also in the quieter, personal moments we all cherished and shared with him.

HUBERT asked, before his death, that we not spend our time in eulogies, and said in his typical wit:

I have had enough eulogies for two life times.

That might have been true for others, but enough cannot be said for this remarkable man. If he received eulogies for two life times, it was totally appropriate since he accomplished two or three or more times what most productive people do in their lives.

Over a third of his life was spent in this body—23 of his 66 years—and during that time he led this body and this Nation to historic accomplishments—civil rights legislation, Federal aid to education, arms control and disarmament, medicare and other health legislation.

His concerns were universal, his interests broad. And they led him beyond his monumental accomplishments into every field of Senate activity, from farm policy to oceanography, from job and labor legislation to Government reorganization, from sewerage treatment plants at home to major foreign policy problems in the most distant corners of the world.

Like few others, HUBERT HUMPHREY could see what was ahead and he knew what he wanted America to do about what he saw. He was an uncommon common man who believed in the brotherhood of man and that every American certainly should have a chance to be whatever his talents would permit him to be. To those who had little—victims of poverty, discrimination, and neglect—he devoted himself tirelessly. HUBERT HUMPHREY insisted that this country belonged to everyone and because of him, it more nearly does.

HUBERT was not perfect and often said of himself, "I did not run on the sainthood ticket," but he set the standard of public leadership for all of us. He earned acclaim and respect because his goals were noble, never self-serving; because get even was less important to him than get on with the work at hand; because tolerance and joy and love were not words only, but the guiding realities of his life.

What better sums up his view of life than his own words:

I have enjoyed my life, its disappointments outweighed by its pleasures. I have loved my country in a way that some people consider sentimental and out of style. I still do, and I

remain an optimist, with joy, and without apology, about this country and about the American experiment in democracy.

Mr. President, HUBERT HORATIO HUMPHREY was the ultimate patriot who gave this Nation all of himself, who never held back, who never asked more of others than he did of himself.

He put everything he had into every honorable battle he fought. He gave his God and mankind everything he could every day of his life.

He lived and worked and served "with malice toward none, with charity for all; with firmness in the right, as God (gave him) to see the right."

If HUBERT could give us his voice yet another time, his voice might well be like that of Lincoln, "Let us strive on to finish the work we are in."

Mr. President, "His life was gentle, and the elements so mixed in him that nature might stand up and say to all the world, 'This was a man.'"

I, for one, never expect to know another man like him. We honor HUBERT HUMPHREY today in death; he blessed us with his life.

Mr. President, I am also submitting as part of this tribute to HUBERT H. HUMPHREY and ask unanimous consent to have printed in the RECORD the highlights of his legislative record in the Senate. In addition, I will submit for the RECORD in the next few days a compilation of the many tributes paid to Senator HUMPHREY at the time of his death.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HIGHLIGHTS OF THE LEGISLATIVE RECORD OF SENATOR HUBERT H. HUMPHREY

There are two significant points about the legislative activities of Hubert H. Humphrey, during his 23 years as a United States Senator (1949-64, and 1971-77) and four years as Vice President (1965-69). First, he was an innovator, a legislator on the cutting edge of evolving national issues, and perceiving rights and needs of people that had not yet been effectively addressed.

Second, the range of issues in which he became directly involved was extremely broad—from projects of immediate concern to people in Minnesota, and the needs of disadvantaged and minority groups which otherwise might not have been subjects of national interest, to major domestic issues and problems of profound international concern.

No attempt to assess the legislative record of Senator Humphrey can deal only with the large number of bills he sponsored. It also must take account of his intensive and highly visible efforts in Senate committee work, including the issuance of major studies and reports by committees where he served as chairman.

It must recognize his contribution in negotiating consensus on the Senate floor in support of the passage of key legislation, as well as his vital roles as floor manager for a bill, as Senate Majority Whip during 1961-64, and as President of the Senate during his term as Vice President.

Finally, such an assessment must include Senator Humphrey's numerous other activities, including well-timed public and Senate speeches, and unilateral negotiations with the Executive branch and with primary interest groups, in the course of action on a particular bill.

On the basis of these various considerations, Senator Humphrey generally is associated with the following national policies, laws, and programs:

Medicare (initial legislation jointly sponsored in 1949—enacted in 1965).

Policies and programs on behalf of the elderly—expanded benefits under Social Security; restriction on discrimination in employment on the basis of age; creation of the National Commission on Aging, and the Administration on Aging, in HEW.

Commission on Civil Rights (initial bill sponsored in 1949).

Civil rights policies based on initial bills, first sponsored in 1949 and 1951, to outlaw lynching, to eliminate the poll tax as a voting requirement in national elections, to desegregate public transportation, to protect constitutional rights and political participation under federal law, and to affirm equal employment opportunity.

Civil Rights Act of 1964, and subsequent voting rights and fair housing laws.

Creation of the Senate Subcommittee on Disarmament in 1955, the sole public forum in Congress for several years on arms control issues.

Establishment of the Arms Control and Disarmament Agency (1961).

Senate approval of the Limited Nuclear Test Ban Treaty of 1963.

Establishment of the Peace Corps (initial bill in 1960).

Creation of the Food for Peace program (proposed in 1950, and established in 1954).

Immigration reform (initial bills sponsored in 1952—basic revision enacted in 1965).

Continuation and major reforms of foreign economic assistance programs, most recently in the International Development and Food Assistance Act of 1977, which includes a focusing of aid on problems of poverty, hunger, and self-development needs.

The International Security Assistance and Arms Export Control Act of 1977—an important initiative in establishing controls over governmental sales of conventional weapons to other nations.

Strengthening U.S. participation in International Financial Institutions and revising the purposes of their assistance to developing nations.

Establishment of the Department of Housing and Urban Development (an initial bill, sponsored by Sen. Humphrey, was favorably reported by his subcommittee in 1957).

Basic housing and urban assistance laws of 1961 and 1964.

Promotion of national policies and studies focused on balanced growth and development (including legislation, S. 3050, introduced in the 93rd Congress, and economic planning legislation, S. 1795, sponsored with Sen. Javits, in the 94th Congress).

Proposal for establishing a national urban development bank—initially, as Vice President, in 1968, and most recently as provided in S. 1396, introduced in 1977.

Revenue Sharing (with Rep. Reuss, PL 92-512) and anti-recession aid to state and local governments (with Sen. Muskie—enacted in 1976).

Emphasis on developing effective inter-governmental relations, beginning with legislative activities as subcommittee chairman, 1949-50, and highlighted in his work, while Vice President, as the President's Liaison to Local Governments.

Creation of the Job Corps (associated with initial bills by Sen. Humphrey, beginning in 1949, to create a Youth Conservation Corps, and his subsequent efforts in support of enactment of the Economic Opportunity Act of 1964).

Migrant farmworker assistance (beginning with initial legislation sponsored in 1952, to establish a Federal Committee on Migratory Labor).

Jobs for youth—given repeated emphasis by Sen. Humphrey, including initial legislation in 1956 on vocational training for youth—provisions of which were incorporated in the Manpower Development and Training Act of 1962, and continuing through 1977, with his strong support for the enactment of the

Youth Employment Act and his initiative in proposing the OECD International Conference on Youth Unemployment, held in Paris in December, 1977.

Establishment of the Headstart program on early childhood development.

Continuous legislative efforts to strengthen labor-management relations and to improve working conditions and minimum wages—beginning with the activities of the Senate Subcommittee on Labor, which Sen. Humphrey chaired in 1951–52.

First federal programs of aid to elementary and secondary education (based on bills reported by a subcommittee chaired by Sen. Humphrey, and enacted in 1950).

Federal scholarship program (subsequently incorporated in the National Defense Education Act of 1958).

Washington seminar programs for high school youth (including the U.S. Senate Youth program, created in 1962, and the Allen J. Ellender Fellowships program, enacted in 1972).

Support for the creation of the Woodrow Wilson International Center for Scholars (associated with the Smithsonian Institution).

The Food Stamp program (enacted in 1964).

Nutrition programs for mothers, infants, and children (including W.I.C., and significant improvements in school lunch programs, as well as the development of nutrition education programs).

Veterans and dependents assistance (beginning with bills sponsored in the early 1950s to improve educational, health, and employment benefits, to extend life insurance coverage, and to aid maternal and infant care; and subsequent initial legislative proposals later incorporated in the Cold War GI Bill of Rights).

Creation of the National Council on the Arts, and the National Foundation on the Arts and Humanities (Sen. Humphrey sponsored an original bill in 1957 and introduced the basic authorizing legislation in 1963).

Associated with the establishment of the National Portrait Gallery (sponsor of the initial bill in 1961); the Frederick Douglass Museum of African Art, and the Kennedy Center.

The Wilderness Preservation Act of 1964 (beginning with legislation sponsored in 1957).

The Forest and Rangeland Renewable Resources Planning Act of 1974.

The National Forest Management Act of 1976.

The Consolidated Farm and Rural Development Act of 1972 (preceded by a nationwide series of public hearings by the newly created Subcommittee on Rural Development, chaired by Sen. Humphrey).

Key improvements in federal programs to strengthen American agriculture and to assist farmers, most recently in the Food and Agriculture Act of 1977.

Enactment of legislation on grain export standards, making reforms in U.S. inspection procedures (1976).

The Commodities Futures Trading Commission Act (1974).

Policies addressed to combating world hunger (including, in addition to the Food for Peace program, early legislative initiatives on broadened agricultural export policies to assist food-deficit nations, the Senate-approved World Food Action program of 1974, and proposals for establishing emergency strategic grain reserves).

Statutory law providing for the humane slaughter of livestock and poultry, based on initial legislation sponsored in 1955.

Major emphasis upon formulating a comprehensive employment policy for the 1970s, highlighted during Sen. Humphrey's term as chairman (1975–76) of the Joint Economic Committee, which conducted extensive and in-depth hearings in Washington and across the nation to focus public concern, and produced major studies and reports. These com-

mittee activities led to innovative legislative proposals by Sen. Humphrey on promoting private sector initiatives and developing multi-faceted federal policies and programs on full employment, anti-recession aid to cities and longer-term urban development, tax incentives, youth employment, expansion of public works projects, capital formation, and small business aid. In addition to calling for new national and regional policies targeted on balanced and stable economic growth, as well as on specific and newly arising job-creation problems in America, Sen. Humphrey focused public attention on emerging, critical international economic issues associated with the increasing interdependence of nations.

Early and continuous efforts on achieving reforms in election laws, campaign financing, code of conduct for federal officials and members of Congress with respect to financial interests, as well as modernizing the organization and procedures of Congress, including its budget management capabilities, as reflected in the following original legislation he sponsored and activities he undertook:

1950: an initial resolution to establish a Joint Committee on the Organization of Congress.

1951: an original bill to establish a code for official conduct of Executive officers and employees.

1952–53: bills on constitutional amendments to provide for the direct popular election of the President and Vice President, and to give 18-year-olds the right to vote; to provide for campaign finance reforms in federal elections; and to establish financial disclosure requirements for members of Congress.

1961: an initial bill to revise the Senate rule on cloture.

1971: chaired Senate Democratic Caucus committee which proposed reforms in the process for selecting committee chairmen.

1973: legislation to modernize Congressional procedures and facilities, and to examine reforms in Senate committee jurisdiction responsibilities.

1973–74: chaired the Democratic Party's Commission on Vice Presidential Selection, which proposed reforms for national party conventions; and participated in legislative efforts to establish procedures for filling a vacancy in the office of the Vice President.

The Humphrey-Durham Drug Act of 1951 (consumer protections with respect to potent or habit-forming prescription drugs).

Programs for handicapped persons:

Original bills in 1952–53 on aiding physically handicapped persons, and to include mentally disabled persons in programs under the Vocational Rehabilitation Act.

The Community Mental Health Centers Act of 1962.

The Mental Retardation Facilities Construction Act of 1962.

Support for affirmative action requirements and expanded education opportunities on behalf of handicapped persons (including amendments to the Rehabilitation Act of 1973).

Disability benefits for the blind (most recently, in an amendment to the Social Security Financing Act of 1977).

Maternity and infant health care assistance programs—initial bill sponsored in 1951.

Promotion of world health research and information communication—particularly in the course of activities as a subcommittee chairman during 1958–64.

Early and continuous emphasis on consumer protection, as exemplified in his introduction in 1958 of legislation on automobile safety (seat belt standards), and his joint sponsorship in 1959 of a bill to establish a Department of Consumers. Primary consumer economic concerns were highlighted during hearings by the Subcommittee on Consumer Economics, chaired by Sen.

Humphrey during 1973–76, of the Joint Economic Committee.

The Solar Energy Research Act of 1974, and subsequent solar and other alternative energy resource research and development authorizations. Sen. Humphrey introduced initial bills on solar energy research in 1962 and 1964.

Promotion of scientific research, including: An initial bill in 1958 to create a Department of Science and Technology, and to establish the National Institutes of Scientific Research.

As chairman of the Senate Government Operations Subcommittee on Reorganization and International Organizations, Sen. Humphrey initiated important studies and reports on worldwide activities in health research, and proposed cooperation between the United States, the Soviet Union, and other nations on cancer research (1958–64).

As Vice President, he served as Chairman of the National Aeronautics and Space Council, and of the National Council on Marine Resources and Engineering Development.

In 1972, Sen. Humphrey worked in support of the establishment of the Congressional Office of Technology Assessment.

Principal bills enacted during Sen. Humphrey's service as Majority Whip of the Senate (in addition to previously listed laws), 1961–64:

Area Redevelopment Act of 1961 (depressed areas).

Juvenile Delinquency and Youth Offenses Control Acts of 1961 and 1964.

Manpower Development and Training Acts of 1962 and 1963.

Trade Expansion Act of 1962.

Public Works Acceleration Act of 1962.

Public Welfare Amendments of 1962.

Vocational Education Act of 1963.

Health Professions Education Assistance Act of 1963.

Nurse Training Act of 1964.

Urban Mass Transportation Act of 1964.

Library Services and Construction Act of 1964.

Land and Water Conservation Act of 1964.

Economic Opportunity Act of 1964.

Revenue Act of 1964 (tax cut).

Presidential appointments during his early service as a Senator:

U.S. Delegate to the United Nations in 1956–57.

U.S. Delegate to the UNESCO Paris Conference in 1958.

U.S. Delegate to the Geneva Conference on Nuclear Test Suspensions in 1958.

Principal responsibilities as Vice President, 1965–69:

President of the Senate.

Member of the Cabinet, and of the National Security Council.

Chairman of the President's Council on Youth Opportunity—stimulated nationwide programs, leading to the provision of 1.4 million summer jobs for disadvantaged youth in 1967 alone.

Chairman of the President's Council on Recreation and Natural Beauty.

Chairman of the National Council on Indian Opportunity.

Chairman of the President's Council on Physical Fitness and Sports.

The President's Liaison to Local Governments (developed an original resource on federal domestic programs, entitled "The Vice President's Handbook for Local Officials").

Honorary Chairman of the National Advisory Council to the Office of Economic Opportunity.

Chairman of the National Aeronautics and Space Council.

Chairman of the Peace Corps Advisory Council.

Chairman of the National Council on Marine Resources and Engineering Development.

Chairman of the Special Task Force on Travel USA.

Members, Board of Regents, Smithsonian Institution.

The President's Liaison to "Plans for Progress."

At the request of the President, Vice President Humphrey undertook a number of foreign missions—to Latin America; Southeast Asia, India, and Korea; Africa; Canada; and Europe.

Overseas trips by Senator Humphrey on official business during 1972-75:

In December, 1972, on behalf of the Senate Agriculture and Forestry Committee, he held discussions on food policy with officials in the Soviet Union, Poland, and the Federal Republic of Germany.

In 1974, he was a member of the Congressional delegation to the People's Republic of China. His personal report on this visit was widely reprinted in the news media. In 1975, the Joint Economic Committee, under his chairmanship, issued a major report, entitled "China: An Economic Reassessment."

In November, 1974, he was a Congressional advisor to the U.S. delegation to the World Food Conference in Rome—his proposals led to new U.S. initiatives in international efforts to aid hungry nations.

In April, 1975, he led a Congressional delegation to Europe to assess the status of NATO and U.S. military assistance policies.

In June, 1975, he led a 14-member Senate delegation to Moscow, for the first formal meeting between a delegation from the U.S. Congress and the Supreme Soviet. Discussions in the Kremlin covered trade relations, the emigration of Soviet Jews, arms control negotiation issues, Middle East tensions, agricultural production, and formalizing future contacts between American and Soviet parliamentarians.

Senator Humphrey's offices in the Senate: Assistant Majority Leader (1961-64).

President (as Vice President of the United States) (1965-69).

Deputy President Pro Tempore (1977).

Senator Humphrey's assignments to Senate Committees, and his chairmanships of Senate subcommittees:

Agriculture and Forestry (renamed as Agriculture, Nutrition, and Forestry in 1977)—1951-60, 1971-77:

Chairman of the Subcommittee on Agricultural Research and General Legislation, 1957-60.

Chairman of the Subcommittee on Rural Development, 1971-72.

Chairman of the Subcommittee on Foreign Agricultural Policy, 1973-77.

Appropriations—1961-64.

Foreign Relations—1953-64, 1973-77:

Chairman of the Subcommittee on United Nations Affairs, 1955-56.

Chairman of the Subcommittee on Disarmament, 1955-56, 1959-64.

Chairman of the Subcommittee on Near Eastern and South Asian Affairs, 1957-58.

Chairman of the Subcommittee on African Affairs, 1973-74.

Chairman of the Subcommittee on Foreign Assistance, 1975-77.

Government Operations (prior to 1952, named the Committee on Expenditures in the Executive Departments; in 1977, renamed as the Committee on Governmental Affairs)—1949-64, 1971-72:

Chairman of the Subcommittee To Study Intergovernmental Relations, 1949-50.

Chairman of the Subcommittee on Reorganization and International Organizations, 1958-64.

Labor and Public Welfare (renamed as the Committee on Human Resources in 1977)—1949-52:

Chairman of the Subcommittee on Labor and Labor-Management Relations, 1951-52.

Chairman of the Subcommittee on Construction of Educational Facilities, 1949-50.

Chairman of the Subcommittee on Howard University, 1949-50.

Chairman of the Subcommittee on Im-

provement of the Skills of the Nation's Work Force, 1949-50.

Post Office and Civil Service (merged under the Committee on Governmental Affairs in 1977)—1949-50:

Chairman of the Subcommittee on Postal Service, 1949-50.

Chairman of the Subcommittee on Retirement, 1949-50.

Select Committee on Nutrition and Human Needs—1973-77.

Select Committee on Small Business—1950-59:

Chairman of the Subcommittee on Retailing, Distribution, and Fair Trade Practices, 1955-59.

Special Committee To Discuss Problems with the Consultative Assembly of Europe—1951.

Special Committee To Study the Foreign Aid Program—1956-58.

Joint Committee on Arrangements for the Commemoration of the Bicentennial of the United States—1975-76.

Joint Economic Committee—1971-77:

Chairman of committee, 1975-76.

Vice-chairman of committee, 1977.

Chairman of the Subcommittee on Consumer Economics, 1973-76.

Co-chairman of the Subcommittee on Economic Growth and Stabilization, 1977.

Joint Committee on Labor-Management Relations—1949.

Technology Assessment Board (oversight of the Office of Technology Assessment)—1973-77.

National Ocean Policy Study Group (ad hoc)—1974-77.

Important bills, initiated by Senator Humphrey, that will be pending in Congress in 1978, include:

The Full Employment and Balanced Growth Act (with Rep. Hawkins), as revised in a substitute amendment to S. 50, to be introduced in January.

The International Development Cooperation Act of 1978, to be introduced in January with the joint sponsorship of members of the Senate Committee on Foreign Relations.

The Agricultural Trade Expansion Act (S. 2385).

The National Domestic Development Bank Act (S. 1396).

The Small Business Economic Policy and Advocacy Reorganization Act (with Sen. McIntyre), (S. 1726).

The National Rural Development Bank Act (S. 1630).

Handicapped Persons in Sheltered Employment (S. 506, with draft revisions on income assistance scales).

Victims of Crime Act (the Senate version, S. 551, of the House-passed bill).

The Investment Policy Act (S. 1055).

The Surplus School Recycling Act (S. 2192).

The Rural Housing Act (S. 1150).

The Education Reorganization Act, to establish a separate Department of Education (S. 255). (Senator Humphrey also testified in support of provisions of S. 991, by Sen. Ribicoff.)

The Solar Energy and Energy Conservation Act (S. 1284).

The Solar Energy Government Building Act (S. 672).

The Marine Science, Engineering, and Resource Development Act (S. 447).

The Child and Maternal Health Care Extension Act (S. 324).

The Child Nutrition Act (a universal food service program for children) (S. 1251).

The National Education Investment Act (S. 1037).

The Political Leadership Intern Program Act (S. 1569).

The National Climate Program Act (S. 1652).

(In 1977, the provisions of some 14 bills and 16 amendments introduced that year by Senator Humphrey, were enacted into law. He successfully floor managed Senate passage of 5 bills in the field of international rela-

tions, and agriculture and nutrition legislation, which later became law.)

Prepared by:

ALBERT C. SAUNDERS,
Director of Legislation, Office of Senator Humphrey.

Mr. MATSUNAGA. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the sessions of the Senate today and tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MATSUNAGA. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished minority leader yield to me for two requests?

Mr. BAKER. I am happy to yield.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Armed Services Committee be authorized to meet during the sessions of the Senate on today, January 24; tomorrow, January 25; and Wednesday and Thursday, February 1 and 2, to consider the Panama Canal treaties.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Military Construction and Stockpiles Subcommittee of the Armed Services Committee be authorized to meet during the session of the Senate on Thursday, January 26, to examine energy initiatives which might be applied at Department of Defense installations to accelerate solutions to the energy problem.

The PRESIDING OFFICER. Without objection, it is so ordered.

EULOGIES TO SENATOR HUMPHREY AND SENATOR METCALF

Mr. BAKER. Mr. President, the Senate has suffered a double loss. In the passing of our colleagues, Senator LEE METCALF of Montana and Senator HUBERT HUMPHREY of Minnesota, we do indeed feel a grievous loss. As we begin the 2d session of the 95th Congress, we shall continue to feel, to a greater degree, the loss of our companions and colleagues.

Senator METCALF, while he did not play out his role on the world stage, as HUBERT HUMPHREY did, was diligent and effective in representing his own beautiful State of Montana and the concerns of the West, as well as our Nation as a whole.

During his 17 years in the Senate, he embodied the great tradition of the western populist. He had a deep and abiding respect for the wisdom of the people he represented, and his compassion extended to all of God's creatures. We will remember his deep concern for wildlife and wilderness, as we attempt to carry on without him.

His intellect, his articulate voice, his friendliness and fair-minded, reasonable manner will be missed in this Chamber. He did not seek a larger role nor push himself into the spotlight of national affairs, but rather he went about his work with a quiet dignity. His achievements as a strong advocate for conservation and consumer interests, in education and other fields, make us realize how much we will miss our friend, who served so effectively in this body.

Despite the remarkable outpouring of eloquent and deeply felt tributes to our colleague, HUBERT HUMPHREY, that all of us have heard, seen, and read during the past few days, it is still difficult to think of him in the past tense. For 30 years, he was a political institution in this country, "one of the compass points of our politics," as one writer termed him.

Blessed with a special grace that allowed him to accept defeat without bitterness and victory and acclaim without conceit, he matured and grew—always in full public view—during his public life, but he did not change his basic beliefs.

Even when we disagreed with him, we felt his compassion and his commitment. He was a good man. In its editorial of Sunday, the Washington Post drew the important distinction between the sometimes overused "great," and "good," and described HUBERT HUMPHREY as a good man who did great things.

The battles he fought—for human freedom, for civil rights, voting rights, arms control, and a host of other towering causes—were the hallmarks of an enormously productive and influential career. But HUBERT HUMPHREY may well be remembered more for the qualities of the human spirit, which transcend even the greatest of public issues.

We will miss his oratory, fueled by his personal vitality, energy, and enthusiasm, in this Chamber. We will miss the sparkle and twinkle of his eyes, those windows of the soul, that signaled the humanity, spirit, and courage within. We will miss the warmth of his handclaps.

But we can console ourselves a little, in this time of profound national sorrow, that we were able to tell our friend that we loved and admired him while he lived; that we had a chance to tell him thank you, for all he has given us.

It is appropriate, Mr. President, that the HEW building bears his name. But the lasting monument may be the memory of the man himself.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BAYH). Without objection, it is so ordered.

LEE METCALF MADE A DIFFERENCE

Mr. JACKSON. Mr. President, "efficiency of a practically flawless kind may be reached naturally in the struggle for bread. But there is something beyond—a higher point, subtle and unmistakable touch of love and pride beyond mere skill." These words of Conrad's explain why it is difficult for me to pay adequate tribute to LEE METCALF.

In his 25 years in Congress, he made a great contribution to legislation to protect consumers and encourage education. But above all, he was a fearless advocate for balanced use and protection of our Nation's natural resources.

It was in this area, that I worked closely with LEE METCALF for the last 17 years. Here LEE combined one of the finest intellects I have seen in the Senate, and his fundamental decency and fairness with the "subtle but unmistakable touch of love and pride" to produce a magnificent record of accomplishment.

A list of some of the laws on which he played a major role indicates the duration and depth of his concern. These are only a few examples:

First comprehensive study of the effects of pesticides on fish and wildlife—1957.

The original air and water pollution control laws in 1963 and 1965.

Enactment of Wilderness Act in 1964.

Land and Water Conservation Fund Act of 1965.

Wild and Scenic Rivers Act of 1968.

The Alaska Native Claims Settlement Act of 1971.

In all these and many other matters, LEE METCALF demonstrated his dedication and selflessness. For example, he served for 16 years on the Migratory Bird Conservation Commission which acts on proposals for addition to the national wildlife refuge system. LEE attended every Commission meeting during his tenure, in which the Commission decided on the purchase of a total of 525,000 acres of land and the creation of 43 new refuges as well as additions to many others.

In recent years, as chairman of the Minerals, Materials, and Fuels Subcommittee of the Interior and Insular Affairs Committee and as chairman of the Public Lands and Resources Subcommittee of the Energy and Natural Resources Committee, LEE had many of his finest hours.

The truly remarkable culmination of his work as subcommittee chairman was the enactment within a 12-month period in 1976 and 1977 of five major laws dealing with Federal lands and resources:

Federal Coal Leasing Amendments Act;

Mining in the Parks Act;

Federal Land Policy and Management Act of 1976;

National Forest Management Act of 1976;

Surface Mining Control and Reclamation Act of 1977.

Mr. President, these are landmark laws that establish policies and guidelines for management of our national land heritage for years to come.

LEE METCALF played a vital role in shaping each of them. He based his approach on the principle set out by Aldo Leopold:

We abuse land because we regard it as a commodity belonging to us. When we see land as a community to which we belong, we may begin to use it with love and respect.

To LEE METCALF, conservation meant wise use. All of these laws strongly reflect LEE's philosophy that we can use our lands and resources for our benefit today and leave them in a condition which will allow our children and our children's children to use and enjoy them tomorrow.

This same philosophy was evident on legislation dealing directly with resources in Montana. LEE was especially proud of the designation of the Lincoln-Sagegoat Wilderness area, establishment of the Missouri Breaks Wild and Scenic River as a "Bicentennial gift" to the Nation in 1976, and passage of the Montana Wilderness Study Act in 1977.

When he died, LEE was working on bills to give wilderness protection to nearly 1 million acres in the Absaroka-Bear-tooth region adjacent to Yellowstone National Park and to nearly 400,000 acres of Great Bear area just south of Glacier National Park. I intend to do everything I can to insure enactment of these bills this year. There could be no more fitting tribute to LEE METCALF than preservation for the benefit of all Americans of these areas he loved so much.

I must also mention, Mr. President, LEE METCALF's deep interest in the ocean and its resources. He frequently pointed out that a Senator from a State "with as much coastline as Montana was naturally interested in the ocean." LEE was concerned about Outer Continental Shelf oil and gas development. He was floor manager of the first effort to reform the OCS Lands Act in 1974. It now appears that legislation will, at long last, be enacted this year.

LEE also was deeply interested in the effort to establish a Law of the Sea Treaty and in the prospects for recovery of minerals from the deep ocean floor. Here again, it appears likely that 1978 will be the year of enactment of legislation for which he was for so long the only real champion.

Mr. President, LEE METCALF was an uncommonly intelligent and decent man. He was also a man who, despite his great accomplishments and honors, frequently doubted whether his career had been truly meaningful. In all his work, LEE set impossibly high standards and sometimes berated himself when he did not achieve them.

Many years ago, Oliver Wendell Holmes, then Chief Justice of Massachusetts, revealed the same kind of concern. He said:

I ask myself, what is there to show for this half lifetime that has passed? I look into my book in which I keep a docket of the decisions of the full court which fall to me

to write, and find about a thousand cases, a thousand cases, many of them upon trifling or transitory matters, to represent nearly half a lifetime . . .

Alas, gentlemen, that is life . . . We cannot live our dreams. We are lucky enough if we can give a sample of our best, and if in our hearts we can feel that it has been nobly done.

Over a year ago, LEE METCALF announced his intention to retire from the Senate at the end of this year. His untimely death has not only robbed me of my good right arm on the Energy and Natural Resources Committee, but it has deprived us all of the chance to honor him in person. I simply hope that LEE felt in his heart what we, his colleagues, know in ours—that his work was indeed nobly done.

I know of no better summation of this brilliant, decent, and courageous man than the following lines from the Missoula, Mont., Missoulian:

Lee Metcalf made a difference. Wait and see. Because love him or loath him, you always knew where he stood, and why. And when he took a stand, he knew what he was talking about. There are many persons in high office who are slicker, and smoother, and who talk better, and who always will be lesser men than he.

TRIBUTE TO SENATOR HUBERT H. HUMPHREY

Mr. JACKSON. Mr. President, to many, HUBERT HUMPHREY was Mr. Democrat. But he was more than that—he was Mr. America. His concerns were human concerns—he loved his country. His engrossing aim was to help others without regard to race, creed, color, or political affiliation.

Above all, HUBERT was an undaunted optimist, moved by a sense of larger prospects and new hopes.

One is reminded of the two travelers, one a veteran and the other a novice, who were climbing the Pyrenees. At sundown they were trapped on one of the peaks and had to sleep upon a ledge. Toward morning, a violent storm came up and a howling wind thundered around them. The frightened novice waked his companion and said: "I think it is the end of the world!" "Oh no," said the veteran, "this is how the dawn comes in the Pyrenees!"

That was HUBERT. He lived through a long series of major disappointments—but they never got him down. He was undiscouragable. He everlastingly believed in human possibilities and plunged in to make the most of them.

HUBERT left behind a formidable legacy of positive accomplishments and liberal legislation. Probably his greatest hour was at the 1948 Democratic National Convention in Philadelphia, where he aroused the Democratic Party to accept the cause of civil rights. We will never forget his rallying cry:

The time has come for the Democratic Party to get out of the shadow of states' rights and walk forthrightly into the bright sunshine of human rights.

HUBERT was the prime mover behind the Civil Rights Act of 1964, medicare, the poverty program, and the equal opportunity legislation. He fathered the Peace Corps and led the early efforts on behalf of international human rights.

I like to remember that just a year ago HUBERT joined me on the Senate floor to protest the arbitrary arrest of Alexander Ginzburg, Yuri Orlov, and Mykola Rudenko, the heroic monitors in the Soviet Union of the Helsinki agreement.

Some people argue that standing up for such courageous human rights leaders is "interference in internal affairs." HUBERT knew this was nonsense. We are simply asking a nation to respect the international standards of conduct established in international accords and conventions to which they are a party, and which they have freely accepted as a part of international law.

Back in the days when Senator and Vice President HUBERT H. HUMPHREY was an active campaigner, there were times his voice would break with hoarseness and his body would become numb from virtual exhaustion.

But there would be another crowd, in the Watts section of Los Angeles, in the condominiums of Miami Beach, or on the snow-banked streets of Minneapolis—and the requirement for another speech. And he would rise to the occasion, wave his arms, and with great vigor speak about the many things that were so dear to his heart and mind.

He explained his renewed vigor in a tired body with a simple comment: "I draw strength from people."

In his months of personal pain before death, HUBERT was his gallant, zestful self. He struck no despondent note. He made stimulating company. He displayed an undefeated spirit. Wordsworth has the words for it:

Who, doomed to go in company with Pain,
And Fear, and Bloodshed, miserable train!
Turns his necessity to glorious gain;
In face of these doth exercise a power
Which is our human nature's highest dower;
Controls them and subdues, transmutes,
bereaves
Of their bad influence, and their good receives.

There has been a tremendous outpouring of love and affection for HUBERT HUMPHREY, not only because of his illness but also because of his bigness. America has lost one of its most beloved political leaders and courageous public servants.

TRIBUTE TO SENATOR LEE METCALF

Mr. MATHIAS. Mr. President, the mark of LEE METCALF's public service was his concern for people. As a great consumer advocate, he fought the battles of little people against what he felt were predatory interests that cost average citizens more to live than they should have been charged.

LEE METCALF's concern for people, however, went far beyond the consumer advocacy for which he was noted. An incident in his early career, I think, illustrates not only his early and abiding concern about people, but his enormous faith in the ability of ordinary people to make intelligent decisions about their own fate.

Throughout World War II, in which he fought as an enlisted man and as a commissioned officer in some of its most desperate battles including the invasion of Normandy and the Battle of the Bulge, he never lost faith in people's ability to

make their own decisions. Characteristically, after the fighting stopped, he drafted the local ordinances for the first free elections in Bavaria. This, I think, is a most convincing demonstration of LEE METCALF's conviction about the strength of the democratic principle which had not been extinguished even by one of the most vicious and bloodthirsty wars in all history.

LEE METCALF has been our colleague both in the House of Representatives and in the Senate. His election to four terms in the House speaks eloquently of the confidence and affection in which he was held by the people of Montana. It is sometimes a happy accident to be elected to Congress once, but successive reelections cannot be judged accidental. His election by the people of Montana to represent them in the Senate in 1960 and again in 1966 and 1972 further confirms LEE METCALF's place in the esteem of his friends and neighbors who knew him best.

I can testify that his place in our hearts is secure. My wife, Ann, and I join in expressing our sympathy to Mrs. Metcalf.

HHH AS WE REMEMBER HIM

Mr. MATHIAS. Mr. President, it says something about the measure of a man when his initials are recognized instantly anywhere in his own country. Whenever the triple initials HHH appeared in the United States there was never any doubt about who was meant. HUBERT HUMPHREY shared this distinction with few others in our lifetime—I can only think of two, and both of them were Presidents.

But HUBERT HUMPHREY's fame was not limited to the United States. He was known just as familiarly and fondly around the world. On the occasion of the first legislative exchange between the U.S. Senate and the Supreme Soviet, Senator HUMPHREY was about to enter a building in the Kremlin on his way to attend one of the sessions of the conference. He noticed a crowd of people walking down one of the streets of the Kremlin and he paused to ask if anyone knew who they were. His act of pausing kept him still long enough so that the approaching crowd recognized him and began to applaud. HUBERT HUMPHREY simply could not resist this invitation to friendship, and he immediately turned on his tracks and went over to shake hands. They turned out to be a group of tourists from the Ukraine, paying their first visit to the Kremlin. They should have been somewhat surprised to see HUBERT HUMPHREY wandering about there but, on the other hand, it may have seemed quite natural to them because they obviously viewed him as a citizen of the world whose record and whose face was familiar to them.

One of the refreshing things about Senator HUMPHREY was his total lack of sanctimony. He obviously was involved in many crusades of conscience, in many struggles which were motivated by moral fervor, but he never lost the sense of realism and of humor that kept him from sounding overly righteous or sanctimonious. He could engage in debate with great zest and zeal and yet not forget that, at least in part, it was a theatrical performance in which he could laugh

at himself as he pulled some of his finest dramatic gestures out of his bag of tricks. He would, of course, also laugh at his opponents who were doing the same thing. And he would laugh all the harder if they took themselves more seriously than he took himself.

For a number of years, HUBERT HUMPHREY was my constituent. During the years he served in the Senate before he became Vice President, he and Mrs. Humphrey lived in Chevy Chase, in Montgomery County, Md. As a result, we had a great many personal contacts—all extremely friendly and positive. And, although his credentials as a leader of the Democratic Party will never be subject to challenge, he never said an unkind or thoughtless word about the kind of representation I was providing for him in his Maryland home. He was always willing to consult on any problems in which we had a mutual interest and his advice and counsel was always sound and positive, never negative or partisan.

After he became Vice President, he deserted suburban Maryland for the greater convenience of southwest Washington. We understood his decision but we regretted it and, in a way, I think he regretted it too.

As I visited shops and stores in suburban Maryland in the intervening years, I have been told of the great delight it gave the friends with whom he had lived for so many years when he returned to the neighborhood to renew acquaintances with the local business people and with the neighbors that he had known for so long. He was a particular favorite at Ponders' lunch counter and it was an occasion for great rejoicing when he returned for a cup of coffee with his friends there. Packett's Drug Store aroused all of his old pharmaceutical instincts and he could not visit the store, even in the last few years, without offering to assist the pharmacist on duty by typing the labels or by doing any of the other chores that needed to be done. These very genuine gestures—so typical of him—proved to people that his interest was not passing or political, but abiding and deeply felt.

The catalog of Senator HUMPHREY's political accomplishments has long ago been written. It has appeared in the preceding pages of the CONGRESSIONAL RECORD over a period of many years. It needed not be recounted here. What cannot be put on these, or any other, pages is a sense of the personal warmth that he generated.

There are thousands of Marylanders for whom HUBERT HUMPHREY was the keystone to political life. To his judgments and to his opinions, they gave greater weight than to those of any other political figure on the American scene. For these people, and for all of us, there has been not only a tremendous personal loss but also the loss of the lodestone which had guided their compass.

But I believe that HUBERT HUMPHREY saw politics as a regenerative process where the spirit of one generation is passed on to another and refined and defined in endlessly subtle and useful ways. It is in this spirit that we return to

work in the Senate after saying farewell to HUBERT HUMPHREY, resolved never to say farewell to his spirit and his example.

THE FINAL VICTORY OF A "PUBLIC MAN"

Mr. ROBERT C. BYRD, Mr. President, every Member of the Senate and millions of Americans joined this last week in mourning the passing of Senator HUBERT HUMPHREY of Minnesota. Indeed, his presence in this chamber and his influence in American life will be sorely missed in the years ahead.

But the New Testament states that to each of us certain talents are granted in trust, and from each of us, it is expected that a full use of these talents be made. From his record of achievements, qualities, and genuine triumphs, it is apparent that HUBERT HUMPHREY did not disappoint the expectations of his Creator in the full utilization of the talents which were given him in overabundance. Few men in the history of this Nation have lived as fully and richly, or exerted such an influence on this country, as did Senator HUMPHREY. He was one of those rare individuals whose accomplishments are so notable that their names are borrowed to identify eras and generations, and whose deeds serve as yardsticks by which men measure their own achievements.

At one point in his career, Senator HUMPHREY said:

In my years of public life, I have tried to serve as a voice and worker for the cause of equal justice and equal opportunity, for the general welfare, and for the common defense of our country. In all these years, I have never felt truly alone. I have always been aware of the innate good sense and good will of the American people.

No statement by others could better summarize the life and career of this great man. Through his personal and professional experience, as well as his formal academic training, he forged a vision of the possibilities of American life that always looked toward the future. His philosophical and spiritual commitments were of such depth and integrity that even those who opposed him ideologically were often led to respect and even love him personally.

HUBERT HUMPHREY was an important and dynamic part of our national life for nearly three decades; he will remain part of our national memory forever. His vitality, brilliance, foresight, and well-invested talents are, moreover, a renewed proof of the excellence of a system that provides the opportunity for such a man to achieve positions of leadership among us, regardless of the modesty of his origins or circumstances.

Death is an experience for which we are seemingly never really prepared, and the death of a great and good man is always an occasion for sorrow and a sense of irreplaceable loss. Often, indeed, such a death is tragic, for it brings to an unfortunate close a life of unfulfilled, unrealized, and unexpressed potential.

But the passing of a man like HUBERT HUMPHREY brings to us a feeling of gratitude for the gift of such a life, mixed with our sorrow over its loss. Joy, admiration, marvel, and love attend our mourning and regret. HUBERT HUMPHREY

was not a tragic man; he was a triumphant man, a challenging man, and a fulfilled man.

Senator HUMPHREY has left his mark on our times as few men are privileged to do. But, possibly more significantly for each of his colleagues here today, he has left his mark on us and on this Senate.

Tennyson said, "I am a part of all that I have met." Each of us is a part of HUBERT HUMPHREY, and we are fortunate in this for having had the privilege to live at a time when he lived and to serve at a time when he served so well. For us, his passing is more than just a public loss; it is a personal and deep one.

But many of us can be thankful for the opportunity that has been ours to serve together with HUBERT HUMPHREY in the Government and the Senate for many years; and all of us can take pride in our membership in an institution whose stature was enhanced and elevated because of his presence in it.

Mr. President, an excellent and moving article on Senator HUMPHREY appeared in the December 1977, issue of *American Heritage* magazine, entitled "I'm a Born Optimist." I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"I'M A BORN OPTIMIST"—THE ERA OF HUBERT H. HUMPHREY

(By Hays Gorey)

They were Hubert Humphrey's kind of people trudging through the corridors of the U.S. Capitol that day. Ordinary Americans from everywhere—blue-collar workers, men and boys in sports shirts and polyester pants, women and girls in shorts or jeans and halters, businessmen in double-knit suits. Humphrey's kind of people.

But they seemed singularly leaden. Perhaps too much sightseeing had left them numb; their eyes were glazed by too many monuments, too many museums, too much history crammed into too little time. They hardly seemed to notice when the pale, frail, thin man wearing a suit that no longer fit stepped into their midst. Uncharacteristically, he avoided eye contact, hurrying toward a wood-paneled door where he fumbled with keys until he found the one that worked. Now, I thought, Hubert Humphrey will turn around and give this crowd a charge, just as he had done with hundreds of crowds on three continents, in virtually every state, over three decades. He had always had a special talent for sharing his exuberance, for bringing sparks to dull eyes, smiles to sullen faces. Well, here was opportunity again.

But that day no one shouted "Hiya, Hubert!" or "There's old Humphrey!" And he needed something like that to get his own juices to flow. These people were not intentionally slighting him. Chemotherapy had ravaged his once-robust body, thinned and whitened his hair (and still the cancer cells raged and multiplied). Hubert Humphrey no longer looked like Hubert Humphrey. The tourists simply did not recognize him. He entered his office, beckoning me to follow, and closed the door.

Hubert Humphrey. A faintly comic name. Almost hilarious the first time one saw it with the middle name—Horatio—spelled out. Now he was sixty-six and dying—and still working fifteen-hour days. And smiling, laughing, and talking. It was true that he

could never learn to stop talking. "Minnesota Chats," Johnny Carson had once dubbed him. Many people felt that a man who talked that much might not have time to run the country. He had another weakness—many, in fact—but the one least possible to conceal was his need to be loved, or at least liked, by everyone. No exceptions. That came across as a grievous fault—fine trait for a minister, but not for a President. And so Hubert Humphrey never made it to the Oval Office. Yet to have lasted in national politics for so long—thirty years—and to have had a major role in so much that had changed the pattern of American life, he had to have remarkable strengths. He was never counted out of national life, though he could have been—ten, or more likely fifteen, times.

Ridiculed? Often. Defeated? Many times. But he never told people that they would not have Hubert Humphrey to kick around any more. Quite the opposite.

Humphrey's personal view of the impact of his three decades as a national political figure focuses on his accomplishments, particularly as a legislator. It is unarguably an astonishing record. But the people who kept sending him to the United States Senate, the senators who chose him as one of their leaders, the never overwhelming but always substantial national constituency that made him a formidable presidential contender three times, sensed something more in Hubert Humphrey, something transcendent, something to do with his spirit.

Hubert Humphrey was born in 1911, and began working by washing glasses in his father's tiny drugstore in rural Doland, South Dakota. He was seven years old. He would have gone to work earlier if he had been tall enough to reach the glasses. It was a dreary period in America, and South Dakota was a dreary place in which to live, but young Humphrey never seemed to notice. Life was a series of buffetings—dust storms, crop failures, foreclosures, the Great Depression. He saw friends and neighbors go under. The farmers had no money to buy at the Humphrey drugstore, and no money to pay for what they had already bought, so the drugstore failed too. Humphrey was sixteen when he saw his father, Hubert Humphrey, Sr. weep because he had to sell the family home to pay his debts. The younger Humphrey wept too.

It was a searing experience, but in his autobiography, *The Education of a Public Man*, Humphrey managed to regard the incident as a plus: "It is something I have never forgotten, not just because it moved me so deeply, but because what followed was so typical of my father's approach to life." The family simply moved to a smaller house and began anew. Despite "such total and public humiliation . . . my father never looked back. He showed not a discernible ounce of acrimony, apology or defeatism . . . he plunged on . . . he had an undiminished appetite for life, accepting the bitter, enjoying the sweet." The son's later stoicism in the face of political and personal setbacks, at times interpreted as failure to get the point, owes much to his father's character.

From Hubert Humphrey, Sr., he first learned about ideas, books, magazines, newspapers, politics, politicians—and social issues. The elder Humphrey was a rarity in conservative Doland, a Wilsonian Democrat, and he drilled the Fourteen Points and the dream of the League of Nations into his eager, receptive son. They discussed issues, and the older man must have sensed that the son had a quick and retentive mind, a debater's skills, and an unquenchable thirst to know more and to talk more—about everything.

After being named valedictorian of his class at Doland High School, Humphrey spent the next decade dropping in and out of the

University of Minnesota, in concert with his own and his family's constantly fluctuating financial condition. At length he earned a degree, *magna cum laude*, and a Phi Beta Kappa key. He also managed to gain a certificate from the Denver College of Pharmacy, and got his first personal glimpse of the plight of the Negro when he studied for a master's degree in political science at Louisiana State University. He also married an attractive and sensible young woman, Muriel Buck, and the two lived in one-room flats, accepting with equanimity the notion that a nickel beer and a sack of popcorn constituted a night on the town.

These were the influences then—near-poverty, failure, defeat, dust storms, depression, liberal education, indomitable father, understanding wife—that forged one of the most innovative legislators of the twentieth century. His entry into politics was like a duck's introduction to water. His father had been a delegate to Democratic National Conventions, and, whenever his recurring impoverishment eased, a minor officeholder. The extroverted, garrulous son, warm and engaging, irrepressibly excited about the New Deal, intelligently concerned with issues, landed a job in the early 1940's as director of a Workers Education Program, a by-product of the WPA. This brought him into contact with local labor leaders, who in 1943 were casting about for someone to support for mayor of Minneapolis. On a Sunday walk, Humphrey bumped into a pair of labor officials and casually asked where they were headed. To a meeting, they said, one adding: "We're trying to find a candidate for mayor." Suddenly it occurred to them that the candidate was standing right there before them. Humphrey ran and lost that year, but learned enough to run and win in 1945 and again in 1947.

In 1948 he burst into the national consciousness for the first time. That year Mayor Humphrey was a candidate for the U.S. Senate, and led the Minnesota delegation to the Democratic National Convention. There this talkative upstart—hardly known outside his own state, but already determined to correct social injustices wherever he saw them—forced a strong civil rights plank on the convention and down the throat of President Harry S. Truman. Party chieftains had argued that only "party unity" could give Truman, the underdog, any chance at all against Republican Thomas E. Dewey. So the "fix" was in: a Southern "States' rights" plank would be proposed and defeated. The same fate would befall the strong civil rights plank that Humphrey intended to introduce. Then the convention could proceed to adopt a "compromise" Truman plank that would placate the South and avert a walkout. But Humphrey, who had no black voting constituency whatsoever back home—there were hardly any blacks in Minnesota—refused to go along. His own father, a delegate from South Dakota, told him that what he was doing "may tear the party apart." Powerful party figures warned him that the course he had charted for himself would lead him "from mayor to pip-squeak to oblivion." But his mind was made up. When Hubert Humphrey, Sr., sensed as much, he finally told his son: "You've got to go with it. You can't run away from your conscience." Humphrey took the floor and delivered a fiery speech, full of passion and conviction. It may have been the most persuasive he ever delivered.

"The time has arrived," he admonished the delegates, "for the Democratic party to get out of the shadow of States' rights and walk forthrightly into the bright sunshine of human rights." Adlai Stevenson and Paul Douglas, who would not lead the parade, fell in behind Humphrey, and so did some of the big-city bosses, whose continuation in power depended in part upon black and liberal sup-

port. And so the no longer obscure mayor prevailed. From that moment he was a major national figure, reviled in the South (some of whose delegates walked out of the convention), but a hero to liberals everywhere. From 1948 until Humphrey became Lyndon Johnson's running mate in 1964, the liberal agenda in America was Hubert Humphrey's agenda.

In those years he compiled a record as one of the most influential senators in U.S. history:

In 1949, after many years of fruitless congressional debate, Humphrey won passage of a federal antilynching law;

He wrote the bill that set up the first federal Commission on Civil Rights;

As early as 1951, he introduced legislation setting up a Fair Employment Practices Commission;

A decade before the Freedom Riders traveled South, Humphrey introduced federal legislation prohibiting segregation in public transportation;

Also in 1951, when he was widely ridiculed as a "visionary," Humphrey offered legislation to outlaw the poll tax in national elections;

The Peace Corps, the cornerstone of President Kennedy's foreign policy toward the Third World, was appropriated from Humphrey—who zestfully pushed to passage the measure establishing the corps;

The first generation of a series of health-care bills that finally emerged into law as the Medicare program was introduced by Humphrey during the Truman administration;

He proposed Project Head Start;

The Department of Housing and Urban Development was established after passage of a Humphrey-sponsored bill.

The list of his legislative landmarks is seemingly endless: the U.S. Arms Control and Disarmament Agency; the Alliance for Progress; the Federal Scholarship Program; the 1963 Nuclear Test Ban Treaty; the 1964 Civil Rights Act; the Council on Youth Opportunity; Vista; Food for Peace; the Job Corps; the Municipal Fair Employment Act; the International Security Assistance and Arms Export Control Act; the Supplemental Food Assistance Program for Women, Infants, and Children; the Solar Energy Research Act; the Consolidated Farm and Rural Development Act; and the Forest and Rangeland Environmental Act. And on and on.

Humphrey did not function in a vacuum. Although he sponsored and was the energetic floor manager of the 1964 Civil Rights Act, for example, passage of that measure owed much to Lyndon Johnson's forceful advocacy of the Act as a memorial to John F. Kennedy, and to Senate Majority Leader Everett Dirksen's belated admission that it was a measure "whose time had come."

Humphrey's exuberant personality was responsible for some of his success in Congress. But he was shrewd as well. In the 1964 struggle to pass a civil rights bill, Humphrey was all over the floor, grabbing arms, slapping backs, cajoling. He was alternately jovial and deadly serious. After hours, he would plot the next day's strategy with civil rights attorney Joseph Rauh and the NAACP's Clarence Mitchell.

The three realized that the only hope of breaking a Southern filibuster was to enlist Republican votes. Wily Everett Dirksen was playing his cards close to his vest, but Humphrey sensed that Dirksen, who could bring several wavering members of his party along with him, could be manipulated, and he knew how. Thereafter, he built up Dirksen to the press, exaggerating his power. Soon Dirksen emerged nationally as the senator who could determine whether there would be a bill or not. Wallowing delightedly in the limelight, Dirksen played it for all it was worth, then dramatically made his declara-

tion. Humphrey's administrative assistant Ted Van Dyk recalled those hectic days: "Humphrey created the illusion that Dirksen held the power of life or death for civil rights, an illusion even Dirksen came to believe."

By any measure, Humphrey's record is an impressive monument to one man's creative energy, and it was compiled by a legislator who was essentially immobilized during his earliest Senate years by the hatreds he had engendered at the 1948 Democratic Convention. When Humphrey first arrived in the Senate the year after that bloodletting, he found the Southern barons who ruled that body unforgiving. Conversations stopped in mid-sentence and colleagues conspicuously turned their backs whenever he entered the senatorial dining room. He was being frozen out of the "club." Ostracism. Nothing could have been more foreign or destructive to Humphrey's nature. And it was to last for months with some senators and years with others. It ended for most only after he proved by his skillful handling of legislation, his understanding of the minutest detail of measures he sponsored, and his voracious appetite for work that he was a force too able and too hyperactive to ignore. His "adoption" by the increasingly influential Lyndon Johnson (who used Humphrey as a conduit into the liberal camp) eventually thawed the icy atmosphere that had made Humphrey's Senate life miserable.

On only two major issues of the Humphrey era was the Minnesotan either uncharacteristically mute, or ambivalent, or both. He was anything but a vociferous critic of Wisconsin Senator Joseph McCarthy. In fact, Humphrey, in retrospect, seems to have been himself overimbued with an aversion to Communism that made him clearly more tolerant of excesses against its adherents or suspected adherents than he ever was concerning similar actions against any other segment of American society. Perhaps this was in part due to his having been one of the best-known liberal politicians in the land at a time when conservatives were not hesitant about equating liberalism with Communism. Thus, Humphrey himself was a potential target for smear. That period coincided also with the beginning of Humphrey's efforts to lay the groundwork for re-election to his Senate seat in 1952. At any rate, he lent his formidable legislative talent to pushing repressive measures directed against suspected U.S. Communists, and some were enacted into law.

Vietnam was the issue that troubled Hubert Humphrey the most, costing him dearly in terms of liberal support, and perhaps denying him the Presidency. Very simply, the man who in 1948 had so courageously moved his party toward "a necessary goal" by taking on what he termed "the Establishment" was, in the 1960's, part of the Establishment and unable to bring himself to defy it, even though he believed, and argued in private, that the Johnson policy was bankrupt.

Humphrey had been opposed to Vietnam involvement in the beginning, then for it, then against it again. Early in the Johnson years, he wrote a private memorandum sharply warning against escalation of the war. LBJ's reaction was to exclude Humphrey from the inner councils of the administration, and the Vice President—as he had during his early Senate years—bled. In 1966 he flew off to Saigon ostensibly to dramatize land redistribution and other "good works" which the administration was aiding in Indochina, and came back an unabashed cheerleader for the war. Doubtless, he wanted to believe, because he wanted to belong. He was back in the fold, but uneasy still at the burgeoning domestic opposition to the war. In October of 1967 he returned to Saigon and warned the leaders of South Vietnam that U.S. support for the war was deteriorating. They smilingly told him there was no turn-

ing back for the U.S., no matter how many years the conflict lasted. It was the turning point for Humphrey. Upon his return, he submitted a blistering report to Johnson. LBJ never released the report, but by now support for the war had so eroded that the President no longer could isolate and ignore its critics as he had done before.

Many observers were convinced in 1968 that Humphrey could have defeated Nixon in the presidential campaign if he had broken completely with Johnson. He thought many times about doing just that. But he felt that even if it meant winning the Presidency, he could not turn against the man whose Vice President he was.

"It might have been better—tactically better—to break with Johnson," he conceded later. "But it would have destroyed the Paris peace negotiations. I couldn't do that. I was Vice President. I was obliged to be a member of the team. I consulted with Averell Harriman on September 14 [1968] and urged that he and Cy Vance [Harriman and Cyrus Vance were the U.S. negotiators] agree to a withdrawal of U.S. troops. Harriman was upset. Vance was upset. Johnson was upset." Two of Humphrey's ablest advisers, Ted Van Dyk and campaign manager Larry O'Brien, told him never mind—he had to turn his back on a policy that no longer had general support and which, moreover, he knew was wrong. It had placed Johnson's chances for renomination in peril, rendered his re-election virtually impossible, and dissuaded him even from running. But despite a partial break, following which his standing in the polls soared, it was not in Humphrey's nature to abandon Johnson completely. He stayed aboard the sinking Johnson ship too long and went down with it.

I had sat with Humphrey and his entourage during the tumultuous days of the 1968 Democratic Convention in Chicago, when heads were being broken, stink bombs thrown, antiwar demonstrators arrested. Agonized, knowing his chances for election were waning with every moment of televised violence, Humphrey still could not desert his President.

"I don't know if that one issue cost the election," he later said. "There were a lot of factors. It was a period of unrest throughout the world. In the U.S., there had been three tragic political assassinations. There was so much unrest over civil rights, and of course there was unrest over the war. Still, it was one of the most exciting periods in American history. I may have made some little impact on it. It was a great adventure. I think as a nation we came through it all right. We learned something. I'm a born optimist."

Whatever he did, whatever stand he took, Humphrey always wanted his audience, be it one person or thousands, to understand. It was the reason he talked overly long—approaching a subject from the front, the back, and every side.

"I believe I helped bring out a social consciousness in people. I always stressed things important to people. Back at the convention in 1948, we were instrumental in opening up the area of civil rights. At the time, it was a very lonely and a very sad journey. I loved the South. I'll never forget how badly I used to feel because my friends from the South didn't see Hubert Humphrey as I thought he was. But that's all in the past now. I was in Dallas recently and someone said to me: 'Humphrey, you've changed.' Well, Dallas has changed. This country has changed."

Why had he risked his career to lead a fight that meant nothing in terms of his electability in his home state?

"I had been taught that the way you treat people is the way you treat God," he once explained, and added, "I was taught that religion should have something to do with your daily life—not just with Sunday."

Now Humphrey was a desperately sick man. On the day when tourists in the corridor had failed to recognize him, when I had accompanied him into his office, he talked of the United States as it had been when he had first come to the Senate and as it was now, thirty years later.

"It's a very different country. Drastic changes. Everything has changed. Mobility is up ten times. So are communications. And technology and science. Thirty years ago television was not even a factor. We didn't have a computer in 1948. And we had a different population then. It was soon after the war, and we knew who our friends and our enemies were. Political strength has shifted drastically. State legislatures were unrepresentative back in the forties. They totally ignored urbanization. The members were an average of seventeen or eighteen years older than they are now. In the fifties, suburbia developed, leading to new social patterns. People moved out of the central city, leaving it to the old, the poor, the black—and the large commercial centers. The automobile, the interstate highway enabled white-collar workers to live outside the city and commute to work inside the city. At the same time, the blue-collar workers, many of them, lived within the city and commuted to the factory outside."

"In the main, the country is better. Of course moral values have changed. There's more permissiveness, greater freedom of action." His thoughts were tumbling over each other. "We have a great problem of social disintegration. Fifty per cent of the women are in the work force. The women's liberation movement is fundamental. A tremendous force of power and talent is being tapped."

But is all this good? How is the country better off?

"One, there are more opportunities for more people."

"Two, there is more social concern for the poor, the elderly, the sick, the blacks—even the Indians. You didn't hear about the plight of the Indians thirty years ago."

"Third, there is a better educational structure—although I'm concerned by the fact that there is less writing and less reading. But the pendulum is swinging back. What's more important is that now 25 to 30 per cent of our people go to college. Why, my mother and father would have given anything to be able to go to college."

"Fourth, there is much better medical care."

"I have to say also that America is restless, anxious for improvement. That makes us indulge in self-criticism. It compels us to do something about our faults—not as fast as Hubert Humphrey wants, of course. But there's a good generation coming up. It has a sense of stewardship and conservation."

"On the negative side, we do lack self-discipline. We're a little irresponsible. We don't appreciate the value of so much we got so fast. Our great cities have been allowed to deteriorate—not only physically but they've deteriorated in terms of the social and physical environment. That's bad, because cities ought to be the epitomes of civilization." One could sense a disappointment that there had never been a "Marshall Plan for the cities" because there had never been a President Humphrey to launch one. "On the other hand, the countryside is better for living than it ever was. That's where the community colleges are springing up, the new art galleries and theaters. That's where the cultural boom is taking place. And America has boomed culturally. Since 1950, we've left the Stone Age."

Humphrey was particularly proud of one of his contributions: "I have engaged and interested a large number of young people to enter public life, especially in Minnesota." That was true. One of them, Orville Free-

man, became Governor of Minnesota and Secretary of Agriculture. Another was Eugene McCarthy. A third, Walter F. Mondale, became Vice President of the United States. He had been a Humphrey disciple since he was eighteen years of age.

"What can you say?" Mondale asked in reviewing Humphrey's role in the many changes that had come to the nation since 1948. "With any other public figure, you hit upon one subject, analyze what he did, and that's it. There just isn't anyone else whose involvement was so total, whose record touches just about everything that has happened in this country over the past thirty years."

Humphrey came closest to describing his own meaning to America when he referred to himself as "a born optimist." That is what made him so special and so durable.

Ted Van Dyk understands this: "People look at Humphrey and think to themselves that maybe man really *can* overcome almost any obstacle. They see Humphrey stabbed in the back one day and embracing the one who stabbed him a week later."

Van Dyk was in Vice President Humphrey's office one day in 1966 when Franklin D. Roosevelt, Jr., called. Roosevelt had gone to West Virginia in 1960 to campaign against Humphrey and for Jack Kennedy in the Democratic presidential primary. Fair enough. But FDR, Jr., has been less than fair in his speeches, accusing Humphrey—falsely—of having been a World War II draft dodger. The charge did not defeat Humphrey, but it hurt him deeply and contributed to the lopsidedness of his loss. His presidential campaign never recovered. Now Roosevelt was telling Humphrey that he feared President Johnson was going to oust him from his post in the administration. He wanted Humphrey to intervene with Johnson and save his job!

Van Dyk listened to Humphrey's end of the conversation. "I was hoping to hear Humphrey really give that son-of-a-bitch the kind of dressing down he had coming to him." Van Dyk could hear Roosevelt wind up his plea by saying, "You've got to save me."

Humphrey replied, "I'll go to bat for you, Frank," and hung up the phone.

"What the hell . . ." Van Dyk began. Then he shrugged.

"After all he's done for me," said Humphrey, "it's the least I can do."

For years, he represented the nation's hopefulness, unalloyed. Millions of people sensed that Humphrey was living proof that it was possible in a cutthroat world to think the best of everyone and everything—and still survive. During the period of his realistic eligibility for the Presidency, the American people chose John F. Kennedy, plainly a tougher politician, one with the instinct for the jugular that Humphrey lacked; Lyndon Johnson, more calculating, more devious; Richard Nixon, whose attitude toward "enemies" real and imagined was thoroughly documented during the Watergate years; and Jimmy Carter, whose single-mindedness and ambition led him past better-known opponents to the Presidency.

With one or more of these traits, Hubert Humphrey might have become President of the United States.

He did not become President. What he did become, through his indomitably optimistic spirit and the astonishing legislative record that he compiled, was a unique national resource.

THE PASSING OF ONE OF THE SENATE'S MOST CONSCIENTIOUS CONSERVATIONISTS

Mr. ROBERT C. BYRD. Mr. President, the ranks of the distinguished Members of the Senate have been reduced in recent weeks by the deaths of three Sena-

tors. In addition to Senator John L. McClellan of Arkansas and Senator HUBERT H. HUMPHREY of Minnesota, we also have lost Senator LEE METCALF of Montana.

The senior Senator from Montana, LEE METCALF, was born in 1911 on one of America's last frontiers. As a result, he came to understand and appreciate our wilderness heritage in a unique and personal way. LEE METCALF was one of the leading advocates of conservation in the Senate, and has worked throughout his career for the preservation and wise use of the natural resources of this country.

As a young man, LEE METCALF, after completing his education at Stanford University and the University of Montana, was elected to the legislative assembly, and subsequently served as an assistant attorney general for his home State.

Following the attack on Pearl Harbor, he volunteered for the Army, and saw action as an officer in the 607th Tank Destroyer Battalion. After taking part in the Normandy invasion, he participated in five campaigns in France, Belgium, and Germany.

Elected to the Montana Supreme Court in 1946, he was thereafter successful in his bid for a seat in the House of Representatives in 1952.

After four terms in the House—it was my privilege to serve with LEE METCALF in the House of Representatives—he was chosen by the voters of Montana to represent them in the Senate in 1960, where he served three terms.

Senator METCALF was deeply concerned about America's energy problems, and was a vital member of the Senate-House conference committee searching for a compromise on the energy package. In his efforts on that committee, he displayed the same sense of responsibility and commitment to his ideals that characterized him throughout his Senate career.

Senator METCALF will be missed by his colleagues in the Senate and by his constituents in Montana. But he will also be especially missed by those who share his deep love for America's wilderness riches. He will be remembered with fondness and appreciation by future generations in Montana and across this country for the efforts that he exerted over the years in behalf of the natural glory that is part of the legacy of every American citizen.

Mr. WALLOP. Mr. President, I suggest the absence of a quorum.

Mr. METZENBAUM. Will the Senator defer so that I may make some remarks?

The PRESIDING OFFICER. Will the Senator withhold?

Mr. WALLOP. I withhold.

Mr. METZENBAUM. Mr. President, I rise to express my deep personal grief at the death of a warm friend and valued colleague. LEE METCALF was my good friend, and I had tremendous respect for him, and I will miss him, as will many others in this body, as a giant among his peers.

With the passing of LEE METCALF, we in the Senate have lost the wise counsel and the good company of a true gentleman. The people of Montana and of the Nation as a whole have lost a powerful

advocate of the rights of the ordinary citizen against the insistent claims of entrenched economic privilege.

LEE METCALF was never one to seek public acclaim for his accomplishments, but we in the Senate know him as a creative legislator and a decent man, profoundly devoted to simple justice, fundamental human rights, and the future of his country. He took the lead in the long struggle to protect our magnificent natural heritage from those who would despoil it for immediate gain and he was among the first to confront the growing contradiction in our society between concentrated economic power and the public interest.

Mr. President, future generations of Americans will have LEE METCALF to thank for the tough environmental safeguards he wrote into the Surface Mining and Reclamation Act of 1977. Without him, that bill probably never would have come to pass.

Future generations will also have cause to remember LEE for his tireless efforts to bring the great utility, energy, and banking monopolies under control, on January 19, his Subcommittee on Reports, Accounting, and Management of the Committee on Governmental Affairs issued a report documenting the fact that the power to vote stock in the Nation's largest corporations is concentrated in the hands of fewer than two dozen institutional investors, mainly banks. This report, I believe actually published after he had passed away, is an appropriate testament to his colleagues, and the mark that he will make upon America even though he has left this Earth.

Mr. President, although I am a relative newcomer to the Senate, I have had the good fortune to work closely with LEE METCALF. In 1974, when I held a 1-year Senate appointment, I served with LEE as a member of the Committee on Interior and Insular Affairs. At that time, LEE was willing to extend an extra helping hand to work with a lame duck and to help me make my brief term in office a productive one. Later, when I was elected to a full term and reappointed to the committee, LEE once again greeted me with unfailing kindness and consideration. I had the privilege to serve under him when he was vice chairman of the Subcommittee on Public Lands and Resources.

LEE METCALF was in every sense of the word a beautiful human being and a dedicated American. I treasure his memory and I shall not forget the example he gave to all of us of the dignity of public service.

To Donna Metcalf and to the Metcalf family I extend my dearest sympathy. My best wishes for the future with them.

Mr. President, on April 2, 1974, the Dayton Daily News published a brief, but highly appropriate tribute to Senator METCALF. I ask unanimous consent that this editorial and an article from the January 19, 1978 edition of the New York Times on the Metcalf report on voting rights in major corporations be printed in the RECORD.

There being no objection, the articles

were ordered to be printed in the RECORD, as follows:

[From The Dayton Daily News, Apr. 2, 1974]
QUIET HONESTY

Politicians have a bad name these days, and a lot of them deserve it. But there are a few who actually are what civics textbooks say they're supposed to be: honest people who work hard for the public interest.

One of them is Lee Metcalf, a Democratic Senator from Montana who most Ohioans never heard of. Mr. Metcalf is one of those peculiar Senators who isn't running for President. You rarely see his name in the headlines or before a TV camera.

That might change. The issues Mr. Metcalf has been pushing tirelessly for years—closer regulation of utilities and the break-up of monopolies—are suddenly fashionable. The energy crisis and growing public awareness of corporate shenanigans have made them so. Until recently, other politicians could look on Mr. Metcalf as a harmless reformer.

Now he looks like a prophet.

[From the New York Times, Jan. 19, 1978]
STOCK VOTING POWER HELD CONCENTRATED IN
A FEW INVESTORS
(By Ann Crittenden)

The power to vote stock in the nation's largest corporations is concentrated in fewer than two dozen institutional investors, the majority of them banks, according to a new study by the staff of a Senate subcommittee.

Of all these investors, none has greater voting power than the Morgan Guaranty Trust Company of New York, according to the report, which represents the first significant attempt in the postwar period to pull together publicly available information on who controls the stock in American industry.

Morgan is the major stock voter in 27 large corporations, including Federated Department Stores and Burlington Northern Inc., and is among the top five voters of shares in 56 leading corporations. Citibank ranks second as the largest identifiable voter of shares in seven corporations.

VOTES SUPPORT MANAGEMENT

The big institutional investors generally throw the weight of their votes behind management, the report shows. A major exception is the Teachers Insurance and Annuity Association-College Retirement Equities Fund, which manages the funds of college professors and is the third-largest holder of voting rights in the country. The TIAA-CREF more frequently supports minority resolutions than do other institutions, which overwhelmingly vote with management.

The report also notes that Citibank "passes through" fully 83 percent of its voting rights, back to a co-fiduciary or investment manager of the shares it is legally entitled to vote, as a matter of policy.

"In our view," a 1976 Citibank report noted, "the right to vote is inherent in stock ownership, not in its custody or management."

"We consider that an enlightened view of handling voting rights," commented one of the authors of the report.

Banks are potentially the most influential voters of corporate shares, the study found, primarily because they manage so many institutional stock plans, particularly pension funds and other employee benefit plans.

REPORT BY SUBCOMMITTEE STAFF

The report, which attempts to reveal the voting rights in 122 corporations whose stock accounts for 41 percent of the market value of all outstanding common stock in the United States, was prepared by the staff of the Senate Subcommittee on Reports, Accounting and Finances chaired by the late Senator Lee Metcalf, the Montana Democrat, who died last week.

For years Mr. Metcalf and his staff had expressed concern that the various regulatory agencies, particularly the Securities and Exchange Commission, had not utilized their statutory authority to require corporations to disclose the identities of the institutions and individuals that actually control their stock.

The report, released yesterday, was undertaken in large part to demonstrate that to a great extent such information could be gathered relatively easily.

"Congress gave the regulatory commissions extraordinary power to ask for disclosure of control of corporations, but the tailwagging commissioners haven't asked for it," said Victor Reinemer, staff director of the subcommittee. "We wanted to show the timid government agencies that the job can be done."

Before his death, Senator Metcalf had said that such disclosure was becoming more needed because the rapid growth of pension funds in particular was increasing the potential influence of the large institutional investors that manage such funds.

A spokesman for Morgan, asked to comment on the study, noted that "they describe the holding of voting rights as a great power in being, but they haven't demonstrated that anyone has ever abused it."

He pointed out that Morgan already voluntarily discloses its holdings of voting power every year. The Comptroller of the Currency also requires such disclosures of all national banks.

State-chartered banks, however, including some of the nation's largest, are not required to disclose such information, and Morgan and the Harris Trust and Savings Bank in Chicago are the only two that regularly do so voluntarily. The subcommittee was able to obtain information on voting rights from the other leading state banks, although a few, including the Irving Trust in New York, the Wilmington Trust Company, in Delaware, the Cleveland Trust Company, and the United California Bank, refused to provide any information on their holdings.

Banks and trust companies, foreign investors, investment companies, insurance companies, foundations and educational endowments now hold voting rights to about half of the stock in the United States corporations, according to the report.

INFLUENCE ON BOARD AND POLICIES

Because of the fragmentation of stock ownership, control of as little as 1 or 2 percent of a company's stock is frequently sufficient to exert tremendous influence over its board of directors and its policies, the report suggested. The report came to these other conclusions:

The principal stock voters in major banks are other large banks. Morgan is the principal voter of stock in five of the nation's 10 largest banks, and in turn, the top four stock voters of J. P. Morgan & Company, Morgan's parent holding company, are other leading New York banks.

In 19 corporations a single institutional investor controls more than 5 percent of the voting rights.

Five or fewer investors have more than 10 percent voting interest in 24 corporations, including American Broadcasting Companies Inc., CBS Inc., six banks, four major airlines, five transportation companies and three retailers.

Family interests control 10 percent or more of the votes of 13 major corporations, including the Coca-Cola Corporation, E. I. du Pont de Nemours & Company and the Ford Motor Company. One family group, headed by F. M. Kirby and Allan P. Kirby Jr. of Morristown, N.J., controls the largest mutual fund complex in the world, Investors Diversified Services. It is the largest voter of shares in Northwest Airlines Inc., and the third-

largest stock voter in the Travelers Corporation.

Morgan Guaranty alone votes more than 5 percent of the stock in seven corporations: American Airlines, American Express, the Consolidated Freightways, the Goodyear Tire and Rubber Company, PepsiCo Inc. and UAL Inc.

The Republic of Texas Corporation, a holding company for a major Dallas bank, votes more than 5 percent of the shares of Safeway Stores Inc. and Tenneco Inc., the study reports.

Surprisingly, a single institutional investor controls more than 5 percent of the stock of the gigantic General Motors Corporation. The National Bank of Detroit holds a 6.21 percent voting interest in the nation's second-largest industrial corporation.

Not so surprisingly, the study shows that Rockefeller family interests control at least 1.85 percent of the stock of the Chase Manhattan Bank. It also reports that Chase holds almost twice as much debt in the 25 major American air carriers as any other bank and that Laurence S. Rockefeller alone controls 4.66 percent of the voting stock in Eastern Air Lines.

In spite of its findings, however, the authors of the staff report admit that it is incomplete because of significant gaps in the disclosure requirements of the various regulatory commissions.

The S.E.C. requires only that the "beneficial owner" of at least 10 percent of a company's outstanding shares or anyone seeking to acquire at least 5 percent of the shares, report to the commission. Beneficial owners are defined narrowly as those receiving a financial benefit from the stock ownership.

Thus, many reports on corporate ownership to the S.E.C. include numerous nominees as stockholders, and do not reveal what institutions actually vote the stock. Moreover, the public records on stock holdings of individuals, private organizations and foreign investors are "sparse," according to the report, unless the blocks are large enough to require filing or are held by officers or directors of a company subject to the reporting requirements.

"We still don't really know who owns and controls the stock in American corporations," said Michael Locker, the president of Corporate Data Exchange, a New York-based nonprofit research organization that did much of the analysis for the subcommittee study.

The S.E.C. is studying new rules that would require disclosure of any holding of at least 5 percent of the shares and, more importantly, that would broaden the definition of "beneficial owner" to include any person or institution that has the right to vote or dispose of securities.

The new rules would also require investors to disclose not only their own ownership, but also any holdings of subsidiary companies, thereby aggregating all of the holdings of a single investor complex, which is not now done.

These new rules were approved by the commission last February and were originally scheduled to go into effect last August. They were postponed in the face of a storm of corporate protest that compliance with the regulations, as designed, would be too expensive and burdensome.

The commission now hopes to be able to promulgate the new rules, which would close most of the reporting gaps on ownership by this spring. According to John Granda of the S.E.C. staff, "something close to what we adopted in February will be the law."

The subcommittee of the Senate Committee on Governmental Affairs is planning to release a companion staff study this spring showing the direct and indirect interlocks among the boards of large corporations. Joint hearings on this and the voting rights study

just released had been planned with a judiciary subcommittee headed by Senator Howard Metzenbaum, the Ohio Democrat, before Senator Metcalf's death, although now congressional follow-up of the studies is in doubt.

WHO VOTES THE BIG BLOCKS: EXTENT OF STOCKHOLDER INTEREST OF MAJOR INVESTORS (FROM A STUDY OF 122 CORPORATIONS)

Name of investor	Number of companies in which the investor is—	
	Among top 5	Top stock voter
Morgan Guaranty Trust Co. of New York	56	27
Citibank	25	7
TIAA-CREF (Teachers Insurance & Annuity Association—College Retirement Equities Fund)	24	2
Capital Research & Management Co.	19	2
Prudential Insurance Co. of America	18	4
Dreyfus Corp.	17	4
National Bank of Detroit	17	5
Kirby Family Group—Allegheny Corp.	16	4
BankAmerica Corp.	15	1
Fidelity Management & Research Corp.	13	2
Manufacturers Hanover Trust Co.	12	1
Bankers Trust Co.	11	0
First National Bank of Chicago	11	2
Lord Abnett & Co.	11	2
Equitable Life Assurance Society of the United States	10	2
First National Bank of Boston	10	0
Harris Trust & Savings Bank	10	2
Chase Manhattan Corp.	8	3
Continental Illinois National Bank & Trust	8	3
Marlennan Corp. (Marsh & McLennan Cos., Inc.)	7	0
Massachusetts Financial Services Inc.	7	2

Mr. METZENBAUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CASE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASE. I do not recall, Mr. President, at least during my service in the Senate, any other time when we have suffered three losses within, I guess, less than a month. Surely that record ought to stand for a while.

Any one of these losses would have been too many, Mr. President. Each of the individuals who died within this recent period left a deep mark upon the Senate and upon each of his colleagues. It is easy now to see that each of them was a most unusual and singular person, and very much of a person.

We have spoken in regard to Senator McClellan on another occasion. We still feel as if he were among us, and his memory will long hang over this Chamber.

Senator METCALF I have known personally for longer than either of the other two colleagues, because we served together in the House of Representatives. When I first got to know him, I was impressed with his quiet dignity with its mixture of humor, which lightened his character at all times, which lightened the job of his colleagues at all times, and

which contributed to his ability to make a telling point without long argument.

He loved his State. He really always wanted to get back to it. I was surprised that he stayed in Congress as long as he did. I wish that he had stayed much longer. We shall miss him very greatly, and he, too, will be remembered for a long time—as long as any of those of us who served with him either in the House of Representatives or the Senate has any capacity to remember.

If there was ever a legend in his own time, Mr. President, it was Senator HUMPHREY—one of the most remarkable men, I think, that I have ever met, and yet utterly without pretense. He carried his great gifts lightly.

He, too, was good fun. He loved life. He loved people. He loved his State. He loved this Nation and its history, and he loved this body. He was ideally suited to be a Senator. His influence upon his colleagues, for years and years, was as great as anyone's that I know of, or that I can think of now.

We learn to rely on our colleagues very heavily, and it is very seldom that we are let down, because in this body one comes to know his colleagues pretty well, to know what he can expect, to know his colleagues' strengths and their weaknesses, to know when they are really speaking from the depths of their understanding and from the deep sincerity of their hearts and when they are engaged in a pro forma exercise, which occasionally everyone must do.

There were very few pro forma moments, though, to Senator HUMPHREY. He was always on the high wire. He was always himself. Who else could talk for hours, literally, and hold a weary, tired Senate, weary members of the press, and the weary members of that most abused group of all, I think, our Senate staff? I never have known a time, however, when any of us wanted him to stop.

This was not something that people talked about behind closed doors; it was something that was discussed almost daily, and enjoyed by him as well as by all of us. It was even enjoyed, Mr. President, at his funeral, as Senators know, when the most gracious and meaningful remarks by his pastor included a reference to the fact that the service had gone on for an unusually long time.

That could not have been avoided. It would have been much longer if everyone who wanted to have a piece of it had been allowed to do so. But we remember the minister saying that there had not been a longer service within his memory in that church since the last time that Senator HUMPHREY had occupied the pulpit.

It was possible to say that kind of thing at the funeral of a man like HUBERT HUMPHREY and to give no offense, to cause nothing but gentle smiles and happiness and gratitude for his memory. He will live long in our hearts.

Mr. WALLOP. Mr. President, I suggest the absence of a quorum.

Mr. LEAHY. Mr. President—

The PRESIDING OFFICER. Will the Senator from Wyoming withdraw his suggestion?

Mr. WALLOP. Yes.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I yield to the Senator from Hawaii.

Mr. MATSUNAGA. How much time does the Senator want?

Mr. LEAHY. About 4 minutes.

Mr. MATSUNAGA. Go ahead.

Mr. LEAHY. Mr. President, later today I shall be giving a eulogy for Senator HUMPHREY at the noon mass at Georgetown University and I ask unanimous consent that, at the conclusion of the remarks that I shall make on the floor today, that separate eulogy be printed in the RECORD with a statement showing that it is a eulogy being given at Georgetown by me for the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. Mr. President, last fall, our colleague and good friend, HUBERT HUMPHREY, returned to the Senate where he had done so much over the decades. It was one of the most joyful occasions in the Senate and one of the most honest and heartwarming of welcomes.

During the following several weeks, most of our colleagues gave statements of much-deserved praise and welcome to Senator HUMPHREY. Mr. President, I did not.

My failure to give a welcoming speech for HUBERT HUMPHREY was not because I did not admire him, because there is no one here that I admired more. It was not because I did not love him, because I loved him as I would a member of my own family. It was not because I did not welcome him—because I did that with an unabashed eagerness. Rather, Mr. President it was because, perhaps in a true Irish sense, I was afraid that that welcome would be too much a eulogy rather than a welcome and that, by not giving it, in some way, I might postpone what all of us realized was inevitable.

During the months following HUBERT'S illness, we all began to realize more and more what a wondrous man he was. We all began to know how different the Government of the United States and this body would be without him. And I know that all of us wished there would be more time.

We all wished we had more time with him—and now we can all think of debates we should have stayed for, stories we should have listened to, or requests for help we should have granted.

All of us know that HUBERT HUMPHREY lived nowhere near long enough to allow the country to have the full measure of his boundless talents. But Plutarch said the measure of a man's life is the well spending of it, and not the length. By that measure, HUBERT HORATIO HUMPHREY'S life was well spent, indeed.

My colleagues have today, and during the past week, cataloged so many of the achievements of this great man—achievements which will insure his place in history as much as the Presidency ever would. I hope therefore, Mr. President, I can be forgiven if I do not go back over all of these accomplishments but speak only of a weekend my wife, Marcelle, and I spent with HUBERT and Muriel Humphrey in Vermont.

HUBERT and I were constantly and totally chauvinistic about our own States. He would tell me of the joys of Minnesota and I would speak of the beauty of Vermont. Partly as a result of this, and partly because of the warm friendship he had extended to this new, young, and inexperienced Member of the Senate, the Leahys and the Humphreys spent a weekend in the State of Vermont. We, along with our 11-year-old son, Kevin, traveled throughout a large part of the State. Everywhere HUBERT went, he was surrounded by people who wanted to see him, hear him, touch him, and be with him. In all this he showed such a warmth and genuine affection for them, touching their lives, answering their questions, inspiring them by being so personal and accessible.

In the evening, we were at one of the political affairs so familiar to all of us. As the evening wore on, HUBERT made a point to talk to everyone and to introduce them to Muriel—herself, as we know, a most special person.

Finally, at 11 p.m. that night, HUBERT told me that he and Muriel were going back to where we were staying and they thought our son, Kevin, should go with them because it was past his bedtime. We made plans to join them there later.

When we arrived an hour later, we found the Humphreys, in their bathrobes, sitting before a television set turned so low that it was almost impossible to hear it. The door to our son's room was open and HUBERT explained to me that they were sitting there because they felt our son might awaken and be frightened if he saw no one there. So, after making sure that he had gotten ready for bed, said his prayers, and was safely tucked away, these two warm and wonderful people were now babysitting on a cold winter's night in Vermont.

It was HUBERT's ability to be human although great, to be caring while involved, and to love while being admired that was so much the mark of the man.

This Christmas, we all received greetings from HUBERT and Muriel. The message was very simple. It said: "God loves you, so do we." God loved HUBERT HUMPHREY and so do all of us.

I yield the floor.

EXHIBIT 1

EULOGY FOR SENATOR HUBERT H. HUMPHREY BY SENATOR LEAHY AT THE 12:10 P.M. MASS AT GEORGETOWN UNIVERSITY, JANUARY 24, 1978

The history books will say that Hubert Humphrey was a significant figure in the political life of America for 30 years. They will list his achievements: the programs enacted into law that fed millions, that slowed the arms race, that ensured justice for those to whom the political and cultural patterns of generations had denied justice.

These achievements are much in our minds as well. We, his colleagues and friends and admirers, remember in thankfulness the blessings that Senator Humphrey's participation in the political life of our age has meant for America.

But what we remember most these days, and most fervently give thanks for, is the man, Hubert Humphrey. He could lift our hearts. He stands as an exemplar of determination and principle. His instincts for

what were the crucial issues of our time always corresponded to what is most central and authentic in the founding ideals of our nation and in the tradition which is their source. One always knew that behind his espousal of the ideals of peace or justice or human rights lay, not clever staff work or the calculations of pollsters and public relations advisers, but the man himself—well-informed, incisive, and passionately devoted to the good, a man who loved others.

His loyalty to aides and friends bespoke that same integrity.

If his life as a politician and as a man touched us, if we consider his influence and his person a blessing to us all, then we see his working as his God would have wished. Scripture speaks of God as love, and it speaks of him as a consuming fire, and the two come to much the same thing. God's love shatters our idols, in order that we might live in his light. God upsets the wisdom of the world, with its rigid calculus of winning and losing. "Weakness argues its own futility," the wicked say in the Wisdom of Solomon, but God summons us beyond that self-serving conviction to a knowledge of the transforming power of his love, a power which is "perfected in weakness."

Hubert Humphrey knew these things. His political defeats were painful for him, but he never gave in to resentment or vindictiveness. The disease that ended his life might have destroyed his spirit, but he knew that it would not have the last word, any more than the other disappointments and sorrows of his life could have the last word. He never succumbed to self-pity or indulged in Promethean defiance, for he was able to accept, and to grow, and we can feel that God was at work in his life.

He wanted to be President and never did, but no one would call Hubert Humphrey a failure. He died of cancer at a relatively early age, but no one would say his life ended tragically. He is a blessing to us because he showed that "winning" and "losing" are terms whose meaning hard-eyed practitioners of power politics and self-styled realists about human life cannot begin to know. He showed that fidelity, integrity, sacrifice, and charity are the things in life that count for most—that count for everything. He is a blessing to us because God was at work in his life, as he is at work in ours, and for this we give thanks.

Each year, my family and I have received a Christmas card from the Humphreys. Usually it has had a photograph of Hubert and Muriel, and often their grandchildren.

This year, the card was very simple. It said only: "God love you, and so do we." God loved Hubert Humphrey, and that love showed through in all he did.

A READING FROM THE BOOK OF WISDOM

The godless call with deed and word for Death; counting him friend, they wear themselves out for him, and they make a covenant with him, and are fit to be his partners.

For they say to themselves, with their misguided reasoning: "Our life is short and dreary, nor is there any relief when man's end comes, nor is anyone known who can give release from Hades."

As for the just poor man, let us oppress him; let us not spare the widow, nor respect old age, white-haired with many years.

Let our strength be the yardstick of virtue, since weakness argues its own futility."

This is the way they reason, but they are misled, their malice makes them blind.

They do not know the hidden things of God, nor hope for the wages of holiness, nor discern the prize for blameless souls.

But the souls of the just are in the hands of God, no torment will ever touch them.

In the eyes of the foolish, they did appear to die, their going was thought to be an affliction,

their leaving us, like annihilation; but they are in peace.

Having been disciplined a little, they will receive great good, because God tested them and proved them worthy to be with him.

Like gold in the furnace he tried them, and accepted them as a holocaust.

In the time of their visitation they will shine forth, and will run like sparks through the stubble.

This is the Word of the Lord.

Mr. MATSUNAGA. Mr. President, I rise to join my colleagues in paying tribute to the memory of our late colleague and a former Vice President, HUBERT H. HUMPHREY, of Minnesota. So much has been said in such eloquence by so many that I can hardly add to the great tribute which has been paid to one of the greatest human beings of all times. Gentleman, statesman, scholar, leader, teacher—conjure whatever adulating adjective you might, they would fittingly describe HUBERT HUMPHREY.

But more than all others, HUBERT HUMPHREY was a man of human compassion. As Vice President, candidate, and Senator, he won the hearts of millions of people throughout the world. His devotion to human rights and his dedication to the cause of justice was superhuman. His adherence to principles in the face of disappointment, defeat, and even death has won him a place among the greatest of world leaders.

When the former Vice President returned to this Chamber last year, he received an unprecedented ovation for a Senator returning to the Senate, from both the floor and the visitors' galleries—an ovation which lasted for over 5 solid minutes. I remarked to him later:

HUBERT, if you had returned as President of the United States, you would not have received a warmer, more enthusiastic reception. The reception you received today was for HUBERT HUMPHREY, the man. Not even the office of the President could top that.

He responded with that well-known smile in his voice:

Sparky, I don't need to tell you, I would have preferred it the other way.

No one, not even his worst political enemy today, doubts that HUBERT HUMPHREY would have made a great President, perhaps one of our Nation's greatest. But, today, I rise to salute the man, a friend whose philosophy I shared and whom I respected and loved for more than 20 years. HUBERT operated on much the same principle throughout his life. If he saw someone in trouble and in need of help, he reached out, pulling them into the mainstream of American life. He believed that all Americans were "ours" and should share the fruits of our democratic system, regardless of income, color or creed. The landmark civil rights acts of the 1960's will be among his most lasting memorials, for it was HUBERT HUMPHREY who germinated the idea in the 1950's and who, as Vice President, helped engineer their final enactment. The original employment act also bears his name—a measure which sought to insure every American willing to work a decent-paying job. At the time of his death, he was working with characteristic

fervor for the enactment of a new and more comprehensive employment bill. Medicare, medicaid, Federal aid to education, the Food for Peace Act, the school lunch program, the Older American Act—all bear the mark of HUBERT H. HUMPHREY.

HUBERT HUMPHREY was no less active on the international scene. He was the father of the Peace Corps and was one of the architects of the limited nuclear test ban treaty, one of the early triumphs of the Kennedy-Johnson administration. During his lifetime, HUBERT HUMPHREY never complained, never really tried to defend himself. He was a man of extreme loyalty, to his country and to his friends. He was also a man of unflagging faith in the American system who believed the best way to change the system was from within it. While he chafed at bureaucracy's slowness, and complained frequently about the inequities remaining in our society, he infused more enthusiasm in our democratic system than any other American in this century. In his vision of America, he was often far ahead of his colleagues and the man on the street. And yet, he was never a "loner" but a man who loved to be with people and to work with them for a better world.

HUBERT HUMPHREY was frequently referred to as "the happy warrior." To paraphrase William Wordsworth, "who is the happy warrior? Who is he that every American should wish to be?" The following words written by Wordsworth more than 150 years ago appear to have been written in anticipation of HUBERT's coming:

Who is the happy Warrior? Who is he
That every man in arms should wish to be?
—It is the generous Spirit, who, when
brought

Among the tasks of real life, hath wrought
Upon the plan that pleased his boyish
thought:

Whose high endeavors are an inward light
That makes the path before him always
bright:

Who, with a natural instinct to discern
What knowledge can perform, is diligent to
learn:

Abides by this resolve, and stops not there,
But makes his moral being his prime care;
Who, doomed to go in company with Pain,
And Fear, and Bloodshed, miserable train!
Turns his necessity to glorious gain;

In face of these doth exercise a power
Which is our human nature's highest dower;
Controls them and subdues, transmutes, be-
reaves

Of their bad influence, and their good re-
ceives:

An idealist who never lost sight of the pragmatic, HUBERT HUMPHREY was a whole man, a man of integrity in the truest sense of the word. He could always be trusted, because his basic principles and values never changed. He was always the same person wherever he was—be it Minnesota, Washington, Hawaii, or Timbuktu. His death leaves a painful gap, in our ranks and in our hearts. As one who was enriched by HUBERT's personal friendship, and one who learned to love the great man as we traveled together in Japan, Korea, Alaska, and Hawaii, I deeply grieve HUBERT's passing. Mrs. Matsunaga and I extend our heartfelt condolences to his beloved widow, Muriel,

and to the rest of his family. May God bless them in their bereavement.

Mr. SPARKMAN addressed the Chair. The PRESIDING OFFICER (Mr. HASKELL). The Senator from Alabama.

TRIBUTE TO SENATOR HUBERT H. HUMPHREY

Mr. SPARKMAN. Mr. President, I want to take advantage of this opportunity to make brief remarks regarding HUBERT HUMPHREY.

I first knew HUBERT HUMPHREY when he was mayor of his hometown. I was there to speak on some occasion. He invited me to come over to his office to visit with him, and I did. I enjoyed it very much.

Later on, in fact not very long thereafter, we were engaged in a political campaign in 1948 and I was back in his hometown on the campaign trail. Again, I met with him and, as I recall, HUBERT, Mrs. Roosevelt, and I shared the speaking platform at the Democratic meeting that was held.

I knew HUBERT through the years thereafter. I remember when he came to the Senate. I had the privilege of serving on two committees with HUBERT HUMPHREY. The Joint Economic Committee and the Foreign Relations Committee. On both of these committees, HUBERT was always out in front.

He was a man who could reckon with the economic affairs of the day and he always had a heart that looked toward helping those who could not help themselves.

I recall his campaigns. I remember that campaign in 1968 when a few thousand votes would have turned the tide and he would have been President of the United States. I have often thought how different the course of history might have been had HUBERT HUMPHREY been elected President at that time.

I shall miss him, as everyone in the Senate and elsewhere throughout the country will miss him, but it has been great to know him and to be closely associated with him.

Mrs. Sparkman and I join my colleagues in extending to Muriel and to other loved ones of his our deepest sympathy, and we share with her the pride of having known and been associated with HUBERT HUMPHREY.

TRIBUTE TO SENATOR LEE METCALF

Mr. SPARKMAN. Mr. President, I first met our departed comrade, LEE METCALF, on the campaign trail. I was speaking in the western part of the country, campaigning for the Democratic Party, and one of the places in which I spoke was Helena, Mont. As I recall, Mike Mansfield was running for reelection, and LEE was running for the first time for the House of Representatives. I enjoyed the meeting there with LEE, and I enjoyed my association with him in this great body.

He was a wonderful Senator. He was always diligent about making known and protecting his interests in that great western part of our country. He was a great and fine Senator who has left us.

Mrs. Sparkman and I extend to his loved ones our deepest sympathy, and we cherish the privilege of sharing with

them a long association with LEE in this body.

TRIBUTE TO SENATOR HUBERT H. HUMPHREY

Mr. WALLOP. Mr. President, I join my colleagues and Americans everywhere in expressing sorrow at the loss of our colleague HUBERT HUMPHREY.

Though my personal acquaintance with him was short, it was a rich experience in my life.

One of the first things I remember about Senator HUMPHREY is that shortly after I had come to the Senate, I was having lunch in the Senate dining room with some young high school students from Wyoming. Senator HUMPHREY walked in, and naturally they were excited in the presence of a political celebrity, a political hero, and wanted to meet him. Senator HUMPHREY, as he did with everyone, had time enough to come over and greet those young people and, indeed, wait for the photographer, so that he could allow them to have their picture taken with him. I am sure that will remain a high point in their lives and a treasured photograph in their albums, one which probably will be shown to children and grandchildren.

Senator HUMPHREY had time for new Senators as well as for his older colleagues. Among the early experiences I had in the Senate was the opportunity to sit with him and talk of a variety of issues, some important, some amusing, some just tales of life in politics. I enjoyed that and felt privileged to have had the opportunity to share those things in his presence.

Politics is the combat of ideas in a civilized arena. In this arena, the best of friends are made by those who battle with words and love that democratic freedom. HUBERT HUMPHREY's great legacy is his fierce loyalty to his ideas, to the Senate as the arena, and to his colleagues on both sides of the great struggles he waged.

As such, he was a great American, whose memory will linger on past that of many of us who served with him.

TRIBUTE TO SENATOR LEE METCALF

Mr. WALLOP. Mr. President, the Senate also suffers the loss of my colleague and my neighbor to the north, Senator LEE METCALF. He was a pivotal force in defending the rights of our Western States and, as has been stated here this morning many times, a staunch advocate in protecting our national environmental heritage.

Long before I even thought of coming to the Senate, I was here testifying on behalf of a national strip mining bill. That will go down, I think, as Senator METCALF's most notable accomplishment, that he was able to guide a workable strip mining bill that was fair to the industry and fair to the energy needs of this Nation—to guide it through the complicated maze of congressional action and public understanding and misunderstanding, to the point that it became a national law under which we can all operate with considerable sense of comfort that in the future, while we are using the energy of this Nation, we will not be abusing the land of this Nation.

He was always a fair-minded person and a gentleman. We often talked about giving each other honorary citizenships in each other's State. Indeed, a portion of his State had asked to come into my State, and we joked about it, never taking the proposal seriously, and enjoying the company that westerners frequently share most comfortably with each other.

He was a true spokesman of the West and a true spokesman of a great deal of the sentiment that existed in his State during his most recent service and at the time of his death. Naturally, those of us in the West and those of us who were friends will miss him.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SARBANES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR HUBERT H. HUMPHREY

Mr. SARBANES. Mr. President, while Senator HUMPHREY's death did not really come as a surprise, it came, nonetheless, as a profound shock to the Senate and the Nation and the world, in whose consciousness, and conscience, he had played such an important and vital part for more than 30 years. In many ways HUBERT HUMPHREY was the symbol of the great dream that millions of Americans have been brought up to treasure, have sought to share, and have striven to make more real. He not only symbolized the dream; he was also the living proof of its strength, its durability and its generosity of spirit. He taught us all that the American people are indeed capable of surmounting the difficult problems that must inevitably face a nation as large and diverse as ours. He taught us that adversity need not lead to discouragement, cynicism or despair. He proved through the example of his own life and that of Muriel and the family through his long and splendid career in public service, with its extraordinary accomplishments, that dedication, compassion, intelligence, imagination, and good humor can often bring about near-miraculous results, and that affection lavished on others will be returned many times over.

HUBERT HUMPHREY had a rare ability to be ahead of his time. He applied his amazing energy to the central concerns of American life, not to the marginal or peripheral ones. Up to the very moment of his death he was deeply engaged in two major legislative efforts to strengthen our society at home and to improve the quality of our Nation's contribution to societies abroad. The first, the Humphrey-Hawkins full employment and balanced growth bill which bears his name and which he has introduced yearly since 1974 is designed to put an end to the terrible, debilitating handicap that unemployment places on millions of Americans and their families, and indeed on our Nation as a whole. The second, major foreign assist-

ance legislation, would establish new priorities and guidelines for foreign aid programs to give help to the people abroad who need it most. These two efforts, which will always remain associated with HUBERT HUMPHREY's name, clearly reflect his decency and compassion, his unflinching efforts to bring out and put to work the finest which we have as a nation.

HUBERT HUMPHREY was at various times mayor, Senator, Vice President, and teacher. From time to time teaching was his profession, as in the period prior to his return to the Senate in 1971. Beyond that, teaching was an integral part of his public service. He had the genius to translate abstractions into human terms and to make us understand our problems and assume our responsibilities. He taught us both by what he said and by the example he set. He made us feel better about ourselves because he appealed to the best in us.

As one who had the good fortune to benefit from his teaching, from his guidance, and from his friendship, I feel a tragic and enduring loss at his death.

He loved America deeply and served the people as few have done in our Nation's history. While we mourn his death, we shall remain true to his example and draw strength and inspiration from his life for the future.

A TRIBUTE TO HUBERT HORATIO HUMPHREY

Mr. MUSKIE. Mr. President, the Senate will not be as happy, or as stimulating and challenging a place, without HUBERT HUMPHREY. We will miss his easy smile, his boundless enthusiasm, his courage, his honesty, and his warmth.

In the past few months, he has been honored here and in his beloved Minnesota as a warm and beloved friend. In death he was accorded Presidential honors he was denied in life. And history will hold him in higher regard than many if not most Presidents.

I think HUBERT realized in the last months of his life that he had truly won something more important than elections—an enduring place in the hearts of his people and in the history of our country.

It was HUBERT's ambition to be President. He lived in a time when ambition in politics was regarded by many people as unseemly. But HUBERT was proud of his ambition, because he was driven not by a need for glory or personal power, but by an intense desire to make things better.

HUBERT saw government as society's most powerful tool for fashioning the public good. And by the public, HUBERT meant the people. He treated everyone equally and well. He thought not of social needs, but of human needs. I think that distinction is a key to our understanding of what made HUBERT a great man.

HUBERT was a tireless campaigner as I have personal reason to know because he genuinely liked everyone he met. A story I heard about a visit HUBERT made to Connecticut in 1972 illustrates what I mean.

HUBERT had agreed to speak at two rallies, one before dinner and one after

dinner. To no one's surprise, he arrived late to the first rally, and spoke a little longer than everyone had planned, including, I am sure, HUBERT himself. The organizers knew it would be impossible to have dinner and then make the second rally, so they offered to cancel the rally. HUBERT cancelled dinner instead.

HUBERT gained his sustenance not from food, but from his contact with people. He campaigned so hard and so often that he knew the politics and issues of some places better than the local party leaders.

In 1968 HUBERT fell a half-million votes short of his dream of the Presidency. He chose me to be his Vice-Presidential running mate that year—the supreme political experience of my life—and during the long uphill campaign I came to know him well.

In the last few days of that campaign, we knew we had a chance to win. But we did not. It is a measure of HUBERT's courage and eagerness for life that he did not dwell on that defeat.

After the campaign, our two families vacationed together, and he never once in that 10 days brought up the subject. On a few occasions when he was by himself, one was tempted to believe he might be dwelling on his disappointment and possibly feeling some bitterness. If so, he never let it show. He loved having the kids around and they would drag him off to play on the beach or go swimming or snorkeling. And there was never any suggestion in his demeanor or his behavior that he was anything but happy and content and looking forward to what the future held.

Beyond HUBERT's many legislative accomplishments, I think it was this refusal to accept the results of adversity that most affected us. He did not talk about the past. He wanted to talk about the future.

He believed in the American dream, and he was proud to say so. He believed that the average citizen can learn and grow and prosper in a democracy, and that we can do anything we really want to do. And he knew the job of government was to help the individual find his own satisfaction.

He always had hope. He always had dreams. He always wanted our lives to be better.

I talked with him often in his last months and, after my back operation, I found it difficult to get the subject around to HUBERT's health. He was always much more interested in finding out how I was. He must have been in great pain. He must have known his time was short. But he never conceded it. He would always tell me, "Oh, I'm feeling better."

And despite the pain, the certainty of his death, he never succumbed to self-pity; he never lost his eagerness for tomorrow; he never stopped thinking, planning, working, or talking.

Someone said once HUBERT had more answers than there were problems. The truth is, he saw many problems before most of us were aware of their existence. And he was always ready to take them on, before they were ready to take him on.

I will miss HUBERT—my open-hearted, generous, always considerable friend.

I will miss the sight of him—reaching out to people—and especially the children—my children. They instinctively loved him, sat on his lap, listened to his stories.

I will miss the sound of him, that voice which was built for optimism and good cheer, the quick mind ceaselessly conjuring word pictures to convey the ideas to move people. If he felt he was not getting through, he tried again with new phrases and images—and so his speeches may have been long, but never dull. They vibrated with the excitement of his beliefs and his hopes.

I will always miss, with a deep sense of loss, what we can never have—a HUMPHREY Presidency. What an exciting and challenging experience that could have been. We would have believed in him—as we all did in the end. He would have had us believing in each other—as we once did. He would have had us building once more—the country of our faith and our hopes.

FRITZ MONDALE said it for me in his moving eulogy:

He taught us how to hope and how to love, how to win and how to lose; he taught us how to live, and finally, he taught us how to die.

Lest the record of the Senate be incomplete, I ask unanimous consent that the entire text of that moving eulogy, which touched me deeply, be reprinted in the RECORD at this point.

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

EULOGY OF VICE PRESIDENT WALTER F. MONDALE

Dear Muriel, the Humphrey family, and guests. There is a natural impulse at a time like this to dwell on the many accomplishments of Hubert Humphrey's remarkable life. By listing a catalogue of past events as though there were some way to quantify what he was all about. But I don't want to do that because Hubert didn't want it and neither does Muriel.

Even though this is one of the saddest moments of my life and I feel as great a loss as I've ever known, we must remind ourselves of Hubert's last great wish, that this be a time to celebrate life and the future, not to mourn the past, and his death.

But, Muriel, I hope you will forgive me if I don't entirely succeed in looking forward and not backward, because I must, for a moment. Two days ago, as I flew back from the West over the land that Hubert loved, and to this city that he loved, I thought back over his life and its meaning. And I tried to understand what it was about this unique person that made him such an uplifting symbol of hope and joy for all people.

And I thought of the letter that he wrote to Muriel over 40 years ago when he first visited Washington. He said in that letter, "Maybe I seem foolish to have such vain hopes and plans. But, Bucky, I can see how, someday, if you and I just apply ourselves and make up our minds to work for bigger things, how we can someday live here in Washington and probably be in government, politics or service. I intend to set my aim at Congress."

Hubert was wrong only in thinking that his hopes and plans might be in vain. They were not, as we all know. Not only did he succeed with his beloved wife at his side, he succeeded gloriously and beyond even his most

optimistic dreams. Hubert will be remembered by all of us who served with him as one of the greatest legislators in our history. He will be remembered as one of the most loved men of his time. And even though he failed to realize his greatest goal, he achieved something much more rare and valuable than the nation's highest office. He became his country's conscience.

Today the love that flows from everywhere, enveloping Hubert, flows also to you, Muriel. And the presence today here, where America bids farewell to her heroes, of President and Mrs. Carter, of former Presidents Ford and Nixon, and your special friend and former First Lady, Mrs. Johnson, attest to the love and respect that the nation holds for both of you.

LIVED BY THREE PRINCIPLES

That letter to Bucky, Muriel, also noted three principles by which Hubert defined his life: work, determination and high goals. They were a part of his life's pattern when I first met him 31 years ago. I was only 17, fresh out of high school, and he was the Mayor of Minneapolis. He had then all the other sparkling qualities he maintained throughout his life; boundless good humor, endless optimism, hope, infinite interests, intense concern for people and their problems, compassion without being patronizing, energy beyond belief, and a spirit so filled with love there was no room at all for hate or bitterness. He was simply incredible.

When he said that life was not meant to be endured but, rather, to be enjoyed, you knew what he meant. You could see it simply by watching him and listening to him. When Hubert looked at the lives of black Americans in the 40's, he saw endurance but not enjoyment, and his heart insisted that it was time for Americans to walk forthrightly into the bright sunshine of human rights.

When Hubert looked at the young, who could not get a good education, he saw endurance and not enjoyment. When Hubert saw old people in ill health he saw endurance and not enjoyment. When Hubert saw middle-class people striving to survive and working people without jobs and decent homes, he saw endurance and not enjoyment.

Hubert was criticized for proclaiming the politics of joy, but he knew that joy was essential to us and is not frivolous. He loved to point out that ours is the only nation in the world to officially declare the pursuit of happiness as a national goal.

But he was also a sentimental man, and that was part of his life, too. He cried in public and without embarrassment. In his last major speech in his beloved Minnesota, he wiped tears from his eyes and said: "A man without tears is a man without a heart." If he cried often, it was not for himself but for others.

Above all, Hubert was a man with a good heart, and on this sad day it would be good for us to recall Shakespeare's words: "A good leg will fall, a straight back will stoop, a black [beard will turn white, a curled pate] will grow bald, a fair face will wither, a full eye will wax hollow, but a good heart is the sun and the moon. Or, rather, the sun and not the moon for it shines bright and never changes but keeps his course truly." Hubert's heart kept its course truly.

He taught us all how to hope and how to love, how to win and how to lose; he taught us how to live, and, finally, he taught us how to die.

Mr. MUSKIE. Mr. President, I will also miss something that ought not to be lost in history, and that is HUBERT HUMPHREY's sense of humor and his wit. Malcolm Forbes in the February 6, 1978, edition of *Forbes* includes some examples of that sense of humor in his editorial entitled "I Can't Resist One More Happy Hubert Humphrey Mem-

ory." I ask unanimous consent that that editorial be printed in the RECORD at this point so that those who read the RECORD may enjoy once more that incomparable combination of humor and optimism which was the hallmark of HUBERT HUMPHREY.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

I CANNOT RESIST ONE MORE HAPPY HUBERT HUMPHREY MEMORY

A little more than a decade ago, we marked FORBES' 50th Anniversary with a tented dinner at our home for some 600 corporate presidents, board chairmen, CEOs and their wives.

The then Vice President Humphrey captivating this not-too-many-Democrats gathering, beginning with these chuckleful off-the-cuff observations:

"... After standing in the receiving line with Malcolm and Bertie for two hours and 50 minutes here this evening, I've come to the conclusion that I must be the only vice president present tonight..."

"... One man came through the line and was introduced as the head of Hertz. A little later came a gentleman introduced as the head of Avis. I tell you, you'll never know how good it is to meet another Number Two..."

"... Somebody asked me tonight, and this is a true statement, 'Mr. Vice President, how do you manage this job, how do you get along with President Johnson?' I told him what Disraeli had replied when asked how, as Prime Minister of Britain, he was able to get along so well with Queen Victoria, and Disraeli replied, 'I never refuse, I never contradict and I sometimes forget.' That's the secret of being Vice President..."

"... Among other things tonight, our host has taken a strong stand in favor of inheritance. I do, too. Vice President, and then you-know-what..."

In a now-poloignant reflection of his boundless optimism, Hubert Humphrey commented:

"... There's just one point that I'd like to take exception to. Malcolm said that this is the 50th Anniversary of *Forbes* Magazine and that he doubted we'd be here for the 100th. I wish Malcolm would speak for himself. I've never felt better in my life..."

SENATOR LEE METCALF

Mr. MUSKIE. Mr. President, another of our colleagues was also my friend, LEE METCALF. We worked together on many issues, shared many interests, and cooperated on a number of projects.

LEE served the Senate well. He was the Senate's lawyer. He gave a great deal to this institution. He worked steadfastly to modernize the lawmaking mechanism. And he was the primary advocate of many recent Senate reforms.

He was, at the time of his death, in charge of the effort to defend the franking privilege. He was selected for that role by his colleagues, because of our tremendous respect for his brilliant legal mind. And he justified our confidence in his ability.

Mr. President, I have a very personal reason for missing LEE METCALF. He was the first Member of this body to endorse my candidacy for President. He was an unstinting supporter. He was enthusiastic. Given my shortcomings—demonstrated by history—I shall never forget his confidence. He did more than support me with word and political assistance. He took on important projects in the Government Operations Committee, in

which we were mutually interested and from which I was distracted during the campaign.

In his work on the Governmental Affairs Committee, LEE was concerned about a government grown unresponsive to the needs of ordinary Americans.

As chairman of the Subcommittee on Budgeting, Management and Expenditures, he was responsible for guiding historic budget reforms through subcommittee and full committee. As chairman of the Senate Budget Committee, I hope we can justify his efforts and his commitment.

He pursued the elusive phenomenon of Federal advisory committees, which grew in number by leaps and bounds over the last decade with little or no public accountability. Under the Federal Advisory Committee Act, enacted in 1972 as a result of LEE's work, the number of Federal advisory committees has actually been reduced, and their operations have been opened up to increased public scrutiny.

LEE's constant concern with protection of consumer interests was evidenced in his determined pursuit of a fair deal for consumers before State utility commissions. After countless hearings and study, LEE's idea of a State utility consumer council was enacted into law as part of the Federal Energy Administration Reorganization Act.

And every year, for the last several years, LEE's subcommittee, along with my Subcommittee on Intergovernmental Relations, has released a report on State utility rate increases, pointing out repeatedly the enormous—and sometimes questionable—increase in fuel adjustment clauses which pass higher costs automatically onto customers.

But, above all, LEE was a valued source of friendship and help to me over the years in the give and take of committee work.

Mr. President, LEE METCALF was as much a Member of the House of Representatives as he was a Member of the Senate. It was in the House of Representatives that he first proved his leadership qualities. He was a founder of the Democratic study group—an institution in the other body which was formed to provide liberal Democrats with a mechanism to balance the dominance of conservatives in control of that body in the 1950's.

Had LEE METCALF stayed in the House, there is no doubt that he would have been elected to its leadership. In an interview in the Great Falls Tribune, printed shortly before he died, LEE commented on aspirations in his final year in the Senate and his career in politics. I ask unanimous consent that the article be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD as follows:

SENATOR LEE METCALF APPROACHES HIS FINAL SESSION IN CONGRESS

(By Thomas Kotynski)

HELENA.—Sen. Lee Metcalf begins his final session in Congress Jan. 19 which will bring to a close a political career which has spanned 42 years.

In a Tribune interview during the congressional break Metcalf said:

—He plans to resign his Senate seat as soon as his successor, Democrat or Republican, is certified as elected. Metcalf wants the new senator to have an edge in seniority.

—Metcalf has no plans to get involved in primary campaigns or publicly support any particular candidate as his successor.

He says he intends to support only the Democratic nominees for such posts as U.S. Senate or House of Representatives from the Western District.

—Metcalf says one of his biggest political mistakes was his decision to run for U.S. Senate.

He believes he could have had more impact and realized more self satisfaction had he remained in the House.

Metcalf says he found his Senate options closed because of former Senate Majority Leader Mike Mansfield's prominence and the Senate taboo against letting two senators from the same state rise to leadership post.

—He has no retirement plans other than returning to Helena. Metcalf says he doesn't intend to get any other job and doesn't expect to travel or play any role in state Democratic politics.

—Metcalf doesn't believe the loss of Montana's seniority, because of his and Mansfield's retirements, will affect the state's relations and influence with Congress and the federal government.

—He expects to be immersed in his last session with: His bill to set aside immense portions of Alaska into national parks, wilderness and wildlife refuges; passage of two major Montana wilderness areas, the Great Bear and Absoroka-Beartooth; his legislation to revise and open to the public governmental advisory committees; oversight hearings on his probe into regulation of accountants; and work for a better farm bill, ratification of the Panama Canal Treaty, an energy bill and President Carter's tax revision proposals.

Does Metcalf, who served four House terms and three Senate terms, have any final goals he'd like to accomplish?

"No," he says tersely, "I think whether or not this is my last year in the Senate will not make much difference. It will go along as it has in the past. Legislation will pass or fail just the way it would pass or fail as it has for the last 26 years. I have supported a lot of legislation that hasn't gotten anywhere and I suppose that it still won't."

Metcalf, who will be 67 on Jan. 28, began his political career in 1936 when he was elected to the Montana House of Representatives, from Ravalli County.

He resigned from the legislature in 1937 to become an assistant attorney general, a post he held until 1941 when he began law practice in Hamilton.

After World War II he was elected to the Montana Supreme Court, a job he held for six years.

In 1952 he succeeded Mike Mansfield as Western District congressman. He ran for Sen. James Murray's seat in 1960 and was re-elected twice.

Metcalf has been in poor health in recent years, bedeviled by a right knee injured playing football and then wounded during the war, he also has a erratic heart beat. Last fall he had a throat hemorrhage which hospitalized him for nine days.

Elaborating on his political "mistake" of running for the Senate in 1960, Metcalf said he didn't resent Mansfield, but that his own inability to rise in prominence was "just one of the facts of life. I was delighted for Mike. But had I remained in the House I could have done parallel and analogous things that I couldn't do in the Senate."

Metcalf noted that all those in his fresh-

man House class (1953) "are in a lot better and advantageous positions of leadership than I am in the Senate and doing the kinds of things that I would have liked to do but were foreclosed to me because I was from the same state as the majority leader."

Metcalf dismissed the notion that Montana will be hurt because it won't have senators in positions of seniority and leadership now that he is retiring.

"I don't think it will make a great deal of difference," he said, "we'll get along just as well as we ever have before."

He said he was referring particularly to the amount of money the state could expect to receive from various national programs.

Congressmen from all sparsely populated and western states would continue to work for distribution formulas in such areas as aid to education, Indians, vocational education and recreation.

There also will be congressmen from neighboring states, such as Idaho's Sen. Frank Church who will look out for Montana's interests as well as Idaho's, just as "Mansfield and I looked out for Idaho as well as Montana," he said.

And, when Church is no longer around, "he'll transfer his interest in Montana to someone else."

An example of this, Metcalf said, was Church's special interest in keeping MHD in Montana.

As far as those projects referred to often as "porkbarrel," Metcalf said, "every once in a while there are special projects (where lack of seniority) might make a difference."

But, he added, "It will be a long time before there is another senator from Montana who has the special interest in wilderness that I have had, or the special interest in jobs in relation to the labor community. But, that will be offset by the interests of the other Montana congressmen and senators."

"The framers of the constitution said that every state shall have two senators and that can't be changed and as long as Montana has as many senators as Rhode Island, we'll have just as much to say in the Senate as New York or California."

Metcalf said when there are major changes in such things as defense, weapons systems and base closures, there is nothing much even ranking members of Congress can do about it, no matter what the weight of seniority.

He noted that when Strategic Air Command (SAC) bases were being closed, Arkansas could do nothing about closure of its SACA base despite having Rep. Wilbur Mills as chairman of Ways and Means, Sen. William Fulbright as chairman of Senate Foreign Affairs and Sen. McClellan in charge of Armed Services, and Rep. Harris chairing banking and finance.

"And I don't think that Mansfield or Metcalf could have saved Malmstrom if there was a change in weapons policy in the U.S.," he said.

Metcalf said that with the relationships Rep. Max Baucus and Sen. John Melcher have built up in Congress that if Malmstrom were threatened in any way, "they could save it." Malmstrom is in no trouble now, however, he indicated.

Metcalf also denied the Montana congressional delegation is not getting along, to the detriment of the state's interests.

He said he blasted Melcher last summer only because he disagreed with Melcher on the impacts of his Montana Wilderness Study Act, SB393.

He admitted he and Melcher have different approaches to economic, labor and federal-state relations ("and that's his privilege"); but that he and Melcher and the rest of the delegation and their staffs communicate and cooperate.

Most recently, he said, he and Melcher fought together on the Northern Tier pipe-

line issue (which Melcher strongly supports), and they appeared together on the farm bill. The Montana delegation's staffs, including Republican Rep. Ron Marlenee's, meet together weekly, although the meetings don't always consist of top administrative aides as in the past.

That's partly because of Mansfield's retirement and the fact that his top aide, Peggy DiMichele had spearheaded such meetings and Metcalf's top aide Britt Englund died, Metcalf said.

Metcalf says he has no particular hobbies, interests or plans for retirement other than returning to Helena.

As far as future Democratic party involvement, he said, "Look, no one was more rejected by the Democratic party than I. Three times I've sought to be a delegate to the national convention and three times I've been rejected. I know the Democratic party officials (the precinct people, not the party chairman) are not fond of me or I would have gotten to be a delegate, senators almost always get to be delegates. I'm not going to impose myself and I won't try for it in 1980."

Mr. MUSKIE. Mr. President, the Senate did not have the opportunity to say goodbye to LEE METCALF in the way each of us personally, and as a group, would have liked. I do so now—with warm affection and deep respect.

I will miss LEE and the Senate will miss LEE. I know that the legacy of LEE METCALF participating in conservation of the Nation's dwindling public lands and wilderness areas will hold his memory for all Americans.

He was a good man—a man of keen intellect, sound judgment, unquestioned integrity, unswerving commitment to the public welfare, and a rare capacity for friendship.

Jane and I extend to Donna our profound sympathy, and we presume to share her sense of loss.

THE SPIRIT OF HUBERT HUMPHREY WILL LIVE ON

Mr. RANDOLPH. Mr. President, HUBERT HORATIO HUMPHREY was a gallant fighter, who dedicated himself to the causes in which he believed. He was respected and loved by all of his colleagues.

Americans, regardless of their political beliefs, remember this great and good leader. West Virginians recall his visits in 1960, when he narrowly lost that key State primary to John F. Kennedy. Yet he returned to win overwhelming support in 1972. He came among us with high spirit and boundless hope, and he touched each of us with a special gallantry that called for reconciliation.

Millions of words have been spoken and written in tribute to this man from Minnesota, and each of us struggle for an expression or phrase which can adequately describe our love and admiration for him.

There is one scene that I shall always remember which, perhaps, is the best tributes to his long career of public service to people.

As we drove from the services in St. Paul to the cemetery in Minneapolis, accompanying the "Happy Warrior" to his final resting place, there were hundreds of older people lining the snow-covered streets, in below-zero weather. They came to express their respects to one of

their own. But no generation can claim this vibrant leader with his dynamic ideas and ideals.

I noticed that there were hundreds of young people lining the streets, teenagers mostly. At one point, the entourage slowed and our bus stopped alongside two boys, ages probably between 12 and 14. They were holding a large cardboard sign, on which had carefully been printed in red crayon these words:

We will keep his spirit alive.

Mary and I offer our special sympathy and our prayers to his wonderful helpmate and wife, Muriel, and to those members of the family.

To the end, he insisted there be no eulogies at his passing. Yet Americans feel they must speak of his qualities. They say he taught us how to live, how to laugh, how to cry, how to win, how to lose, how to die.

It should be added that there is one other lasting quality about the man we must all remember. He taught us how not to quit. He said:

Even when you know you're losing, don't give up. Because the name of the game is fight, and that determination is why the spirit of mortal can be proud.

LEE METCALF MADE OUR EARTH BETTER

Mr. RANDOLPH. Mr. President, the sudden loss of a dear friend and colleague leads us to reflect on life's meaning. We search our memories for examples of deeds done to improve the human condition, of legacies left behind that will benefit the society of the future.

In evaluating LEE METCALF, it is not difficult to project what rewards his quarter-century of service in the Congress will bring to America in the years ahead. He was a tireless champion of preserving and protecting our Nation's natural heritage for succeeding generations to use and enjoy. This gentle man from Montana loved the Earth and all its living creatures.

Last summer, I was privileged to introduce, with LEE, the Natural Diversity Act (S. 1820). It is before our Committee on Environment and Public Works. Senator METCALF had long held a conviction that our great wilderness areas of this country must be guarded. The legislation we proposed would provide a program to protect both living creatures and unique geological features.

As a member of the Senate Energy and Natural Resources Committee, his imprint looms large on the progressive legislation enacted in the first session of the 95th Congress, such as the surface mining law which regulates the utilization of our richest resources.

He was, in the words of his fellow Montanan, Ambassador Mike Mansfield: A friend of the working people and family farmers.

His early sponsorship of legislation for clean water, Federal aid to education, and land reclamation demonstrates his vision.

Mary and I understand the loss that Donna is experiencing during this time of special sadness. We extend our condolences to all who grieve for this good man, whose passing is a real loss to Montana and the Nation.

SENATOR HUBERT HUMPHREY

Mr. MOYNIHAN. Mr. President, I rise on this occasion to speak of the passing of two of our most beloved and closely known associates; and in particular, Mr. President, I wish to speak a eulogy to the memory of HUBERT HUMPHREY.

The President has said that Senator HUMPHREY was the most beloved man in the Nation when he died. But this fact, surely, that he came to be beloved is not the mark of his political achievement. His achievement lay in defining the dynamic political principles of this generation and this meant that while he lived he could not be universally beloved. It would be necessary that there would be those who would oppose him. We remember that in 1948, he responded to the twin moral crises of our post-war world—the preservation of liberty abroad, the extension of liberty at home. He enunciated—and he embodied—the two central principles of the liberal democratic creed in our time: Racial equality, which is to say the struggle for human rights in our own country, and anti-totalitarianism, which is to say the defense of human rights abroad. There was resistance to the coupling of these propositions, a resistance which led to the fracturing of the Democratic Party in 1948. There were those who could accept one but not the other, and they in a sense were to collaborate in later years against HUBERT HUMPHREY precisely because he chose to endorse both inseparable aspects of American liberalism. He endorsed them, he affirmed them, such that to many he became indeed a loathsome symbol.

Now President Carter was surely right when he said that the crusade for civil rights—the rights of black Americans—has become fully absorbed into the mainstream of American life, such that a President of the United States from Georgia could embrace that crusade, become a recognized leader of it, become an authentic political spokesman for millions of black Americans. But of this other matter, the matter of HUBERT HUMPHREY's uncompromising resistance to Communist totalitarianism, are we yet prepared to say that HUMPHREY's position has achieved the level of full acceptance comparable to that of his civil rights position?

We should like to think that it has. Yet it would be unfair of me to ignore the obvious fact that the greatest crisis in HUBERT HUMPHREY's political life, the thing which ultimately denied him the Presidency of the United States, was the unwillingness of many to understand his fundamental antitotalitarian posture. I have a remembrance of this. I remember an occasion in December of 1971. It is recalled for us in the pages of a newspaper which reported on the annual meeting of the American Association for the Advancement of Science:

A small band of radical scientists today pelted Sen. Hubert H. Humphrey with a ripe tomato and paper gliders made from Vietcong flags as the Minnesota Democrat spoke on ways to insure peace.

The tomato splattered against the podium.

The report continues:

Humphrey, an unannounced candidate for the 1972 Democratic Presidential nomination,

is often heckled during speeches for not publicly opposing the Vietnam war while he served as Vice President under Lyndon B. Johnson.

I recall this episode, not because it was uniquely outrageous for surely Senator HUMPHREY was subjected to far worse in 1968. It just happened that I was then vice president in the Social Sciences of the American Association for the Advancement of Science at whose convention Senator HUMPHREY had been scheduled to speak. I was to deliver the vice presidential address the next day. Senator HUMPHREY persevered even in the face of such outrageous conduct—by scientists. But I chose to cancel my own address, stating that where HUBERT HUMPHREY was not permitted to speak I chose not to speak.

As ever indomitable, the old campaigner wired me from the next city where he was speaking—Miami, as I recall. He would need me with him in Washington in 1973, he proclaimed, ever ebullient, ever confident. But, of course, I knew and we all knew that he was not going to be nominated in 1972, nor yet in 1976. He had become the object of hate and abuse in the very political and social groups which he had once led. It was not good to be too close to him. Only the Washington Post, to my knowledge, took note of the episode. But to its lasting credit in my view, it stood up for the former Vice President and his right to speak.

What was it about HUBERT HUMPHREY's political beliefs or political behavior which could make him a target of this sort? Why, at that time, could HUBERT HUMPHREY not be the most beloved of all Americans? What fed a kind of behavior which doomed the HUMPHREY Presidential campaign in 1968 and later quest for the nomination? I think we must say that once again in 1968 and in 1972—as in 1948—there were those who could not accept the clarity or the consistency of the man's commitment to individual rights. No matter the abuse or provocations, HUMPHREY remained a man whose capitulation to the forces of totalitarianism or its apologists was unimaginable. So, while we recall that HUBERT HUMPHREY was good to America, his goodness should be remembered in the context of those who were not at all good to him or to the things he represented.

About those who cursed and abused HUBERT HUMPHREY, we can say that they are remembered by few, and beloved by few, and their legacy is little. This occasion today in the Senate, his funeral in Minnesota, the memorial service in the rotunda of the Capitol, the outpouring of affection from Americans of every station—all these suggest that it is HUMPHREY who endures and who lives on—surely not those mean spirits who thought they might silence the most important political voice of this generation with paper airplanes made from Vietcong flags.

TRIBUTE TO SENATOR LEE METCALF

Mr. MOYNIHAN. Mr. President, I have been a member of the Senate but a year—a year surely, of accomplishment, but also of sadness, for our institution

has been diminished by the unhappy deaths of three of our colleagues. Today I want to speak especially about the role of Senator LEE METCALF of Montana, who, even in my brief span of observation, was an important source of enlightened policy and personal concern in the Senate. He served in the Congress for nearly a quarter of a century and was an important incarnation of that strain of progressive thinking we customarily associate with the American West. It was a strain of thought conditioned by the unique experience of bringing the American system—the law, representative institutions, economic institutions—to a part of our continent one would have thought too severe and too inhospitable to such an historic enterprise. And yet LEE METCALF and his predecessors and his colleagues achieved not only that much but more: They made of this newer part of our country a leading source of political thinking. They were pioneers in every sense.

Theirs is an important contribution to the political life of the United States and those who participated in it deserve special recognition and gratitude. All this is apparent in Senator METCALF's distinguished career of public service. If we associate our progressive political tradition first of all with a reform and revitalization of State government, let us recall Senator METCALF in that context. He was an associate justice of Montana's Supreme Court; he was a State prosecutor. And when he was sent to the Congress and then to the Senate, it was evident that these early years spent in the tradition of fair play and simple justice would infuse all his legislative activities. His range of interests was extraordinary—in education, in consumer affairs, in concern for the protection of our natural inheritance. He was amongst the first to grasp the need for a coherent national approach to the Nation's resources properly suited to the conditions and variations of our own day.

If these and other matters were enriched by other strains of political thinking from other parts of the country, we must nonetheless remember their origins in the hard-won political traditions of the American West. Surely, it is no coincidence that LEE METCALF worked intimately for so many years with another great Western progressive, his Montana colleague, Mike Mansfield, a beloved majority leader of this body.

LEE METCALF was a worthy trustee of one of America's important political legacies. He served the country and the Senate with unfailing decency and courtesy, with a sure sense of the impact of grand legislation on individual citizens, with a sure sense of the balance between the requirement for Government activism on the one hand and the strengthening of individual liberty on the other. My wife and I join with my colleagues in expressing to Senator METCALF's family our sense of personal loss at his passing and of an enduring debt for having known him.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORGAN. Mr. President, I want to take a few moments this morning to pay special tribute to our distinguished departed colleague from Minnesota, Mr. HUMPHREY, and will do likewise for our departed distinguished colleague from Montana, Mr. METCALF, at a later time.

TRIBUTE TO SENATOR HUBERT HUMPHREY

Mr. MORGAN. Mr. President, HUBERT HUMPHREY is dead and our Nation has lost a true and steady patriot. Those of us here have lost a close and trusted friend, a distinguished colleague and with our fellow Americans, we grieve at his passing.

HUBERT HUMPHREY was never at a loss for words and for that reason, I feel especially inadequate today as I rise to express my deep sense of loss and to comment on the accomplishments of this remarkable man. But I know, if I stumble and reach for words, that HUBERT would have excused that and upon my completion he, with kind words of appreciation, would have made believe that the best of the Roman orators could not have done better. That was his way and we loved him for it.

I, my wife, and children who adored him, my staff who worked next door to his, loved the Senator and admired his efficient office operation and competent fellow workers, and the people of my home State of North Carolina, who will always have a special place in their hearts for HUBERT HUMPHREY, mourn this great statesman. They will not soon forget him.

And I will not forget him either.

I will not forget the Senator from Minnesota, who fought the tide and finally turned it, insuring that generations of Americans to come would stand, each equal with the other, sharing the full protection of our laws and the benefits of our society and our economic system.

I will not forget the Senator who believed that the poor, the deprived, the uneducated, the sick, the elderly, and the handicapped deserved a champion, too, and was willing to labor on their behalf when there were more popular causes which he could have undertaken.

I will not forget the Vice President whose loyalty to his President he saw as duty and put above all else, including personal ambition and his desire to serve in our Nation's highest office.

I will not forget the tireless campaigner who carried my party's banner high, even when it became tattered by strong winds of opposition and, by his spirit and sheer determination, almost accomplished for us what many all along considered the impossible.

I will not forget the great human being I saw who loved people, showered his affection upon all whose lives touched him, and, at the busiest of times, still could stop to exchange warm greetings, sign an autograph, or wade into a group of excited schoolchildren with the enthusiasm of a first-time campaigner.

I will remember my friend, HUBERT HUMPHREY, who did not forget me, who willingly and enthusiastically, in the midst of a session of Congress, came to the small town of Buies Creek, N.C., to help me kick off my bid for the U.S. Senate, who raised the rafters with a speech which continued to inspire my friends and supporters throughout my campaign, and who convinced those there, including many former detractors, that greatness was in him.

I will remember my friend, HUBERT HUMPHREY, who, in his last days, provided a model for courage which stirred the hearts of Americans of every political persuasion and philosophical bent and for years to come will inspire those of us who live in these times and saw the passing of "The Happy Warrior."

All of us will remember our friend, HUBERT HUMPHREY, who brought new meaning for all of us to the words of St. Paul who proclaimed:

O death, where is thy sting. O grave, where is thy victory.

Death had no sting for HUBERT HUMPHREY. I personally find consolation in the fact that, through his indomitable will, HUBERT HUMPHREY was, in fact, the final victor.

I will miss HUBERT HUMPHREY deeply and in a very personal way, but I certainly shall not forget him. And when I think of him, I shall be happy remembering the happiness he shared with all about him—his family, his colleagues, his staff, his league of friends, and the people of this Nation and the world.

Mr. President, I ask unanimous consent to have printed two newspaper editorials from North Carolina expressing the feelings and emotions of our people for our friend, HUBERT HUMPHREY. I note that Roy Parker, Jr., the editor of the Fayetteville Times has been a long-time admirer of the Senator and that Hoover Adams, the editor of the Daily Record of Dunn, N.C., has long considered Senator HUMPHREY one of the most knowledgeable of American statesmen and a valued friend of the people of my home county of Harnett and the State of North Carolina.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Fayetteville (N.C.) Times, Jan. 16, 1978]

HUBERT HUMPHREY'S LEGACY

As he died, the courage and indomitable good humor of Hubert Horatio Humphrey were emphasized. He was indeed, they said, the "Happy Warrior" of American politics in the past three decades.

Certainly his last months emphasized these qualities. Stricken with inoperable cancer, suffering both the mental as well as physical pain that "terminal" illness can cause, he nonetheless put his face to the future, kept his wit and his warmth, never succumbed to despair or self-pity.

And so he was a "Happy Warrior," always the gentleman and very much a member of the inner club of American political power in the last few years.

But he was also something more than a smiling face over a strong will. He was something harder, something more basic to the American Dream than merely one of its more appealing personalities.

He was that strain of nagging conscience, that demanding voice of alarm and concern, that keeps even so fat and happy a country from sinking into the frame of mind that it has accomplished the mighty work of the Republic laid down by the Founding Fathers.

Humphrey was accused in his earlier days of being a dog in a manger, a dangerous critic of sacred traditions and sacred cows. It was no "Happy Warrior" who forced the 1948 Democratic National Convention to "walk in the sunshine of civil rights." No, he was a terrible swift sword then. He rang a bell in the night which, while it called the conscience of the country to begin anew a task to forge "one nation, indivisible," also struck terror, rage, and hatred in the hearts of those who were the comfortable and the powerful.

And so he continued to do throughout his career. He left his mark on a generation of public servants, on both domestic and international matters. He called on the country and its people to open eyes to the changes in the world of our times, especially to the yearnings of oppressed, suppressed, and depressed peoples, at home and abroad.

It is recently fashionable to say of HUBERT HUMPHREY that his answers to the problems of the times were grandiose or expensive. He was called a "gadfly" because he seemed to have answers to every problem. His critics, and even his friends, were moved to say he was the originator of the notion that the way to solve any problem was to "throw money at it," preferably money from the treasury.

But time is proving that HUMPHREY was wiser than his critics, or his friends, would acknowledge. A more truthful measure of his solutions would say that they call on Americans to give their best, either of service, money, or support, not to mere fiscal solutions, but to solutions of the heart.

Being a great apostle of justice, he was also imbued with the immense strain of love and devotion to ideals that marks all true prophets. He was the living embodiment of the great description of the essential human being contained in the Book of Micah, the man who would "do justice, love kindness, and walk humbly with God."

With those qualities ever in his heart and mind, HUBERT HUMPHREY strove to make a better America, a better world, to make come true the promises also contained in Micah:

"And they shall beat their swords into plowshares;

"And their spears into pruning hooks;

"Nation shall not lift up sword against nation;

"Neither shall they learn war anymore;

"But they shall sit every man under his vine and fig tree;

"And none shall make them afraid."

Because of HUBERT HORATIO HUMPHREY, the nation and the world have made some advances toward those goals, advances which shall stand as his legacy to them.

[From the Dunn (N.C.) Daily Record, Jan. 16, 1978]

MORGAN PAYS TRIBUTE TO HUMPHREY (By Hoover Adams)

U.S. Senator Robert Morgan, expressing great personal sadness at the passing of his dear personal friend and colleague, today described the death of Senator Hubert Humphrey as "a great loss to all of us."

"I consider Hubert Humphrey one of the greatest Americans of all time," said Senator Morgan.

"The country has lost the man who has made the greatest contribution for change in my lifetime—change for good."

"You could dislike some of his political philosophy, but you couldn't dislike the man," said Morgan. "He was a great, a gracious man who loved people. The nation,

indeed the world, is poorer indeed because of his passing. His death has left a void that will not soon be filled."

Morgan was speaking as a U.S. Senator whose office adjoined that of Senator Humphrey in the Dirksen building, as a friend who fought the political wars together for many years, as a colleague with whom he had twice made overseas trips, and one with whom he worked on legislation right up until a few days before Humphrey's death on Friday.

Senator Morgan and Senator Humphrey co-sponsored legislation to provide free lunches for all school children and to provide rural housing for all who need it.

During the Christmas holidays, Senator Humphrey aware that his own days were numbered, wrote Morgan and asked him to carry forward with these two pieces of legislation.

"That's the kind of man Hubert Humphrey was," said Morgan. "Even with death approaching, his thoughts were with the school children of our nation and on providing better housing for our people. That's the way he was—always thinking of others."

Senator Morgan described Humphrey as the sort of man who always put other people first.

"I can recall one day when the President sent for him," related Morgan. "Mr. Humphrey was hurrying out of the Capitol for the White House but a group of little school children met him and wanted to take his picture."

"He stood there and posed for pictures just as long as those children wanted to take them," said Morgan. "It didn't bother him a bit that he was keeping the President of the United States waiting. That's the kind of fellow Hubert Humphrey was; that was the sort of life he lived."

Senator Morgan regarded Humphrey as "one of the most human people I've ever met. He never held grudges, in the bitterest of political fights he was always the kind gentleman. He sometimes seemed even kinder to those who disagreed with him than his friends. 'I won't call them enemies,' said Morgan, 'because I don't believe Hubert Humphrey had an enemy. Nobody who ever met the man could dislike him.'"

On August 19, 1974, Senator Humphrey came to Harnett County to speak for Morgan in his campaign for the Senate at Buies Creek. It was the only time in history that a former Vice President had ever visited Harnett and what a great occasion it was.

The big dining hall at Campbell College was filled to overflowing and Senator Humphrey was a tremendous hit, keeping the audience applauding and bringing it to its feet in a standing ovation.

"He was at his best as an orator that night," recalled Senator Morgan, "and even though it was a partisan speech, the address Senator Humphrey made would have been equally well received in a church or civic gathering anywhere in this entire country."

Harnett folks were endeared to Mr. Humphrey as never before. Even some of those who hadn't been too fond of him before that night went away singing his praises.

After the dinner that night, Senator Humphrey stuck around for nearly an hour to shake hands with the people and to pose for pictures for all who wanted their pictures made with him. He did so despite the lateness of the night and the fact that he had to rush to the airport for the flight back to Washington.

Just a few months ago, despite his illness, Humphrey told Morgan he'd be happy to come back to North Carolina any time he could to make a speech for him.

Senator Morgan said he felt that "The farmers of North Carolina in particular have lost a great friend. Last year, Humphrey

pulled a portion of the tobacco program out of the fire and saved it on the Senate floor.

Senator Morgan considered Humphrey as "probably the best informed single individual on governmental matters in Washington" and cited his long career as a Senator and as Vice President.

He said his ability to get along with people was absolutely amazing. And he always loved a good joke on himself. He could take one defeat after another and bounce back with no bitterness at all.

On January 9, just four days before his death, Senator Humphrey phoned to say "Happy Birthday" to Richard Nixon, the man who defeated him for the Presidency. He and Mr. Nixon had a long, friendly talk.

"Again, that's the sort of man Hubert Humphrey was," said Morgan.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ANDERSON). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CHILES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO SENATOR HUMPHREY

Mr. CHILES. Mr. President, I would like to add my voice today to those that are eulogizing our colleagues.

Senator HUMPHREY certainly was a unique man. I had the privilege of coming into the Senate as a freshman with Senator HUMPHREY. I was the freshman. Senator HUMPHREY had served a number of years in the Senate previous to that and had a distinguished career in the Senate. He had also been the Vice President of the United States. But he came back to the Senate in 1970 and he was a Member of the freshman class like I was.

I will always remember that, having been a former Vice President and a former U.S. Senator and at that time a national and a world leader, Senator HUMPHREY had a volume of mail that was 10 times the mail of the freshman Senator from Florida, and many more calls upon his time and service. Yet, at that time, the Senate had made no arrangements for Senator HUMPHREY. He had the same kind of office space, being on the bottom of the ladder. He was moved around about three times, bumped from offices while he was here.

He went to the freshman class meetings when we all bemoaned our fate and the fact that we could not get anyone that would ever give us a permanent assignment for an office, or space anywhere else.

I will always remember the good humor he had and the advice he would give the rest of us, this man who had served all these years and gone through all that period of time previously and, as I say, had achieved this position of world leadership, and he could with such good humor and humility accept that fate. But, as we wanted to rattle the chains a little bit and try to rebel against the establishment, he always encouraged us in that.

He always felt that we did not really provide for ourselves so that we could do our job as Senators and take care of our people.

But just from that kind of association and in the way he joined in, never as someone above where we were, or someone who knew it all, or someone who would give this advice which he could well have done, but he was always just a participant with us. He was a colleague. Whatever we wanted to do, if we wanted to storm the citadel, he was ready. But he never tried to be the leader in that.

Everyone, of course, has his own wonderful memories about this man. But I just always remember that period of time and how many years it was before, finally, the Senate recognized that he was entitled to a little extra help to answer the mail he had, that a former Vice President was entitled to some kind of recognition; but never in that period of time, 6 years, did Senator HUMPHREY ask for that. Finally, some people in this Senate woke up to what some of his problems were, but they were never raised by him.

I am happy, though, that prior to Senator HUMPHREY's passing, he did have recognition, that we did get a chance to honor him. I think that is unique. It does not happen to many world leaders that there is an opportunity to show some kind of honor and respect for them prior to the time of their passing.

It was my feeling that if the Senate had stayed in session and had not recessed, Senator HUMPHREY would still be here; because every time the Senate was in session, he seemed to grow in strength. The relapses would only seem to come when we would adjourn or go out of session. As long as the Senate was in session and performing work, he was here, and he seemed to grow in strength all the time.

I recall my feeling, after seeing him return to Washington, that there would not be any great sadness on my part, because in my mind he had conquered death, and I think very few people have the opportunity to do that. He did overcome, by his tremendous strength and will and good humor and the understanding that he had, when all these sieges were taking place, and his ability to return not once but a number of times after he had been completely counted out. It was not just to return here but actually to perform tremendous service.

If we just catalog some of the service he performed from the time of his illness, we will see that some of his greatest leadership was performed after he was besieged by the illness. I think that all of us who were associated with him or touched his life in any way gained by that association.

I continue to run into people in my State who met HUBERT HUMPHREY, met him one time, and when they talk with you, it is though he was a very close friend of theirs and they had a very close association with him. He had a wonderful way of relating to individuals and showing them that he did believe they were important.

I think that our greatest problem in government today is that people have the feeling that no one does listen to them and that their voice does not count. If all of us could have the ability that HUBERT HUMPHREY had, of making people know that they did count, we

would have a much better understanding on the part of the people and I think we would have much better respect. But that is a legacy that he leaves us, to try to strive for that, not to be in such a big hurry that we cannot say hello to folks and have an opportunity to meet with them.

The services that took place after his death, both here and in his home State, convinced me that his spirit continues, because they were very uplifting services. Many people in my State remarked that they received something from these services in the recounting of this man's life.

Mr. President, I join my colleagues in the Senate today in making these brief remarks about Senator HUMPHREY.

TRIBUTE TO SENATOR LEE METCALF

Mr. CHILES. Mr. President, Senator LEE METCALF is probably one of the least heralded Members of the Senate. Yet, I think that as history writes its pages, we will look back on some of the legislation that LEE METCALF fathered, and we are going to see that this man was a very strong and a very fine Senator. We are going to see that this legislation had much to do with changing the course of what had been the way in which things were done in this country prior to that time.

I think of the work he did in reorganization. I think of the work he did for years in trying to do something about hundreds and hundreds of commissions that have been started, that went on and on; that we had people with jobs who played hi-fi music, did not know what to do; that there was a frustrated feeling out there of the people knowing that we were not going back and looking back and pruning off waste and inefficiency in areas that perhaps had a reason for being started at some time but no longer had any reason.

When he started that task, it was not very glamorous. It was not a task for which he could get any attention. But LEE METCALF was really like the water dropping on a rock. He kept up until finally he cracked that rock. We see now that many of us talk about sunset legislation; we talk about putting an expiration date on commissions we start; we talk about all the areas in the way we should look back. But I think the champion of that cause had to be LEE METCALF.

With respect to the historic legislation and the work that he did in the field of conservation and in the field of strip mining, those chapters are still being written. Senator METCALF was the founder and the person who started progress in many of those areas.

I know that he is going to be missed greatly, but he has left us a legacy for us to strive to achieve.

I join my colleagues in issuing these words about Senator METCALF.

Mr. JAVITS. Mr. President, I should be very brief so that all my colleagues may be accommodated by our time on this.

Mr. President, I rise—

Mr. MCINTYRE. Mr. President, I thank my distinguished colleague from New York for yielding at this moment, and I rise to say a few fine words, a few

nice words about an unsung hero and quiet achiever.

The PRESIDING OFFICER. I do not think the Senator yielded.

Mr. JAVITS. I said I will take 2 minutes but if the Senator from New Hampshire is in a great hurry I will yield to him.

Mr. MCINTYRE. Let the Senator from New York go ahead.

The PRESIDING OFFICER. The Senator from New York.

Mr. JAVITS. Mr. President, HUBERT HUMPHREY deserves far more extended and detailed memorial than any of us are able to give him on the floor today.

This was truly an historic figure in American public life, and it showed that you do not have to be President to be a great man. I think that is the one thing about HUBERT HUMPHREY that is crystal clear.

Here is a man who never attained the Presidency, and yet will go down in history, perhaps only because of his flaming spirit, as a very great American.

To me he was always a noble American. I found in him such high aspirations for our people and our time, such profound sympathy for the longings and the misfortunes of his fellow Americans as to really distinguish him as a unique figure on the national scene.

He had a higher and loftier view of our national destiny than almost anyone whom I knew and at the same time he understood our mission, what we meant in the world, what we were put here for. As he saw it we were put here to do justice without discrimination and according to the profound Judeo-Christian principles which dominated his life.

Senator HUMPHREY and I were partners in many critical pieces of legislation. Whether it was national planning or the reform of the welfare system, national health or labor bills, unemployment compensation or the great civil rights and civil liberty struggles, it was one of the joys of my life here in the Senate that I could stand in team with so distinguished and fine a character.

Mr. President, in both the services in the Capital and in Minneapolis, there was great emphasis upon HUBERT HUMPHREY's joy in living and in a very strange way, and yet very true of him, his joy in dying; and WALTER MONDALE never said anything more accurate than the fact that he showed us how to live and he showed us how to die. That is probably the greatest epitaph for any man.

So, Mr. President, I honor and indeed revere my colleague. He is an enormous personal loss, and I communicated in this way to Muriel and to Senator HUMPHREY the love, the respect, the admiration which I had for him and the joy which I took in his living and the joy which I took in the enormous courage with which he passed from among us.

Just one other word, Mr. President, about LEE METCALF, whom I knew very well, and served with him on the Governmental Affairs Committee. He was a magnificent, unconquerable, and in many many ways uncompromising American Senator.

LEE's fight, for example, for breaking

down the administration of justice into district courts was—I may not have agreed with him—but it was a most admirable side of his nature. This was a big country and every part of it was just as smart, just as able, just as sophisticated, just as learned in the law as every other part.

Then there was his passion, Mr. President, for Montana. I know a little bit about Montana, its beauties, the openness and freedom of its land and its lakes, its forests and its people. And he was as stalwart and true and honest and as real as any one of the great trees which stands in its forests. The people of Montana have every reason to take enormous pride in the achievements of their son LEE METCALF.

Thank you, Mr. President.

Mr. MCINTYRE. Mr. President, will the Senator from New York yield me 3 minutes?

Mr. JAVITS. Of course.

Mr. MCINTYRE. I am asking the junior Senator.

Mr. MOYNIHAN. As you wish.

LEE METCALF: UNSUNG HERO AND
QUIET ACHIEVER

Mr. MCINTYRE. Mr. President, there are Senators who, by virtue of personality, eloquence, charisma, timing or luck, garner an inordinate, though not always undeserved, amount of public attention throughout all or much of their careers. There are others who labor quietly and effectively outside the celebrity limelight.

Our departed colleague from Montana was one of the latter. It was his uncomplaining fate to spend most of his years in the Senate in the shade of the former majority leader and to pass from this scene while the Nation's attention was focused on the final days of HUBERT HUMPHREY.

This combination of circumstances distracted the American people from giving proper respect and paying proper homage to Senator LEE METCALF's truly outstanding record as a champion of the consumer, the elderly, the disabled, the environment and the children of this Nation and, I fear, obscured the degree of affection and admiration that existed in this Chamber for the Senator from Montana.

I did not work closely with him, because our committee responsibilities and regional concerns were quite different. But I knew him as a colleague, as a disciplined intellect, as a man with a deep and abiding commitment to the best interests of his country and his fellow citizens.

Mr. President, the Washington Post of January 13 recognized the stature of LEE METCALF by placing his obituary across six columns at the top of the page. Like most obituaries the surface facts were there, but not all of the underlying significance.

For that reason, I was pleased to read the tribute to Senator METCALF written by Norm Williams of Washington in the letters to the editor column of the Post a few days after the obituary appeared.

Because Mr. Williams' letter so eloquently explains the significance of one

of LEE METCALF's major achievements, I ask unanimous consent that the text appear at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

SEN. LEE METCALF

The death of Sen. Lee Metcalf (D-Mont.) must not be allowed to slip into history without mention of the crucial part that he played in passage of this nation's first federal strip-mining bill. Unfortunately, The Post's review of Sen. Metcalf's accomplishments fails to do justice to the importance of consumer-protection, reform and conservation legislation that he initiated and supported during his remarkably productive years in Congress.

More particularly, by overlooking his contribution to the development of effective reclamation standards within a national program for rehabilitating lands surface-mined for coal, The Post's account inadequately conveys to its readers any sense of the tremendous debt of gratitude owed Lee Metcalf by all Americans who cherish the fast-disappearing quality of our outdoor resources.

Lee Metcalf, perhaps more than any other individual, deserves credit for the eventual passage of Public Law 98-87. Despite failing health and the daily discomfort and physical pain that strongly inclined him toward early retirement, he set aside his personal preference in order to help complete the protracted hammering out of this controversial bill.

As subcommittee chairman on the former Interior and Insular Affairs Committee (now the Energy and Natural Resources Committee), Lee Metcalf carried major responsibility in the Senate: Through endless hearings, committee markups, floor-fights (he was floor manager for the bill), and conference-committee debates, he persisted. The bill was twice vetoed by President Ford. This required repetition of the whole process three times between 1970 (when Sen. Metcalf first became interested in strip-mining legislation) and the final signing into law by President Carter on Aug. 3, 1977.

I believe it is an accurate assessment to say that, without Lee Metcalf's fair-minded, good-humored and unrelenting effort in behalf of a tough yet equitable strip-mining law, many of its key provisions would have been gutted. The personal cost of that effort was certainly high—how high only those who shared the experience of working with this dedicated and deeply humane man can appreciate.

In a real sense, the new strip-mining law stands as a memorial in the minds of many of us who loved Lee Metcalf and mourn his passing.

Mr. MCINTYRE. I thank my junior Senator from New York.

Mr. MOYNIHAN. Mr. President, I take the occasion to thank the Senator from New Hampshire for calling to the body's attention Mr. Williams' letter in the Washington Post which certainly describes so succinctly the unique and indispensable role Senator METCALF played in the strip mining legislation that this Congress has enacted. It took him from 1970 to 1976 to get it.

And if anything might be said in celebration of his life it is the thought that we know there is progress, even a progressive, a western progressive, and it is possible to learn. If anything marks the dark satanic horror of the beginnings of the industrial revolution, it is the coal mines and the coal miner's lives of the 19th century, and how grand that they

should now in the 20th century come out into the daylight and sunlight with the great efficiency of the strip mining techniques of his own State of Montana and of the West, and simultaneously we should learn not only to get our people out of those holes in the ground but learn to make the ground whole when the coal has been removed from it.

It is one of those things in a world which does not seem very linear; it seems much more often circular and fated to repeat generation after generation one mistake after the other. The fact is that there is such a thing as progress, and that fact is very much owing to the further fact that there are true progressives in our land and a tradition that LEE METCALF so wonderfully embodied and enhanced in this Chamber.

Mr. GRIFFIN. Mr. President, the death of LEE METCALF—being both untimely and unexpected—is a severe loss not only to the people of Montana, whom he served so well and long, but to all Americans who shared his desires to guarantee a better life for us all.

Whether in conservation, consumer interests, energy, or education, LEE METCALF was a pioneer in the great tradition of the West that he loved and made his home.

His causes were, first and foremost, people causes—preserving the wilderness for current and future enjoyment; undoing the damage wrought by pollution to our air and waters; providing medical assistance for the elderly, education for our youth, and jobs for the needy.

That is why so many have referred to LEE METCALF as one of the last of the prairie populists.

But his interests were far broader than that term too often implies. In his quarter century of congressional service, his expert grasp of many complex issues—coupled with his keen intellect—made him one of this Nation's most outstanding legislators.

Certainly the prior service that he had as a judge in Montana was most valuable in this body.

His former colleague, Senator Mike Mansfield of Montana, put it this way: LEE METCALF was "a superb Senator."

I have had the good fortune to serve with LEE METCALF both in the House of Representatives and in the Senate. Together, we worked on many projects, including the National Defense Education Act in 1958. Then we served together on the Joint Committee on the Organization of Congress which took testimony and worked for a number of months on various reforms of Congress, many of which had been put into effect and some of which still need to be put into effect.

Though our philosophies often differed, I always counted LEE METCALF as one of my close friends. He was unfailingly courteous, fair and thoughtful and accommodating. He was a reflective and a judicial man befitting the position of judge that he once held.

LEE METCALF's many contributions and his presence among us will be sorely missed.

EULOGY TO SENATOR HUBERT H. HUMPHREY

Mr. ALLEN. Mr. President, it is a solemn occasion when the Senate meets

to eulogize and pay tribute to one of its own whose life has ended. It is a time of remembrance and recognition and, in great measure, it is also a time of rededication.

When HUBERT HUMPHREY died on the 13th day of January, there was a sadness of the people of this Nation, for America had lost a man whose devotion to the public was limitless. His life brimmed over with magnificent achievement and dedicated service to the citizens of this Nation which he loved so well.

The story of HUBERT HUMPHREY's life is well known. In recent days and again in this assembly today, his contributions to the public welfare and his notable service to the Nation have been surveyed. Their range is broad, for his interests spread as wide and as far as the plains of the Midwest he called home. There is hardly a facet of American life that has not been touched by the legislative work of HUBERT HUMPHREY.

Much has been said here today about Senator HUMPHREY's work for the great body of people of our country who have not enjoyed the economic opportunities realized and enjoyed by other citizens, and with this no one can take issue. HUBERT HUMPHREY wanted a better life for all people, and throughout his public life he worked to achieve this objective. His commitment to his fellow man was total, with no reservation. All the talents with which he was endowed, all the skills he acquired, these were every day invested in the never-ending task to which he was committed.

High on my list of Senator HUMPHREY's efforts in behalf of his fellow man was his outstanding work in the field of agriculture. The farmer and the resident of rural America never had a more devoted friend in the Congress of the United States. We served together on the Senate Committee on Agriculture, Nutrition, and Forestry, and I was proud to stand shoulder to shoulder with Senator HUMPHREY on a number of issues designed to improve and enhance the quality of life of our farmers and their families.

Senator HUMPHREY's friendship for agriculture was not confined to that of his section of the country. He labored with the problems of cotton, soybeans, and peanuts as well as with those of wheat, corn, and dairying. He labored for fair and adequate prices for all farmers in all sections of the Nation. He played a leading role in fashioning and passing legislation to help our farmers and the residents of rural America enjoy the benefits of modern living.

For decades, the American farmer was the special victim of depression. Today he is the special victim of inflation. In recent days, thousands of our beleaguered farmers have visited Washington requesting their Government to assist them by placing in operation programs to insure them a fair return for their products. Obviously, we must press vigorously this year to grant the American farmer relief from the problems besetting him, and I only wish we would have the benefit of the wisdom, energy, and dedication of HUBERT HUMPHREY in our effort.

I was especially privileged to serve under Senator HUMPHREY in the 92d Congress when he was chairman of the Rural Development Subcommittee and to be an original cosponsor of the bill authored by him which eventually became the Rural Development Act of 1972. With the passage of time, this law, I believe, will come to be recognized as one of Senator HUMPHREY's greatest achievements. It is a pilot plan for progress in the nonmetropolitan areas throughout our Nation.

I shall miss HUBERT HUMPHREY greatly. We did not always agree; but he was always my friend. While we often voted diversely, our pleasant association was never disturbed, and we maintained a mutual understanding and respect for each other's views. I knew there was a great deal to be said for Senator HUMPHREY's positions on the issues before the Senate for I knew, too, that his positions were in complicity with the deepest promptings of his conscience.

The sympathy of Mrs. Allen and myself goes out to Mrs. Humphrey and her children.

TRIBUTE TO SENATOR LEE METCALF

Mr. ALLEN. Mr. President, Senator METCALF served his country and the people of his beloved Montana continuously until his death since first being elected to the Montana State Legislature in 1936. He was a public servant in the truest sense of the word. Prior to 1952, when he was elected as a member of the U.S. House of Representatives from Montana's First Congressional District, he had served as a member of the Montana State Legislature, as assistant State attorney general, in the U.S. Army, and as associate justice of the Montana Supreme Court. In 1960, after serving four terms in the U.S. House of Representatives, he was elected to the U.S. Senate and was the first native-born Montanan to serve his State in this capacity. It has been my privilege to serve with him as a Member of the U.S. Senate since my election in 1968. It should not go unnoticed that he served longer than any other Senator as Acting President pro tempore of the Senate since first being elected to that position in 1963.

Many of us remember him best for his efforts in the area of conservation and environmental quality. He dedicated himself to preserving the greatness of the lands and waters of America and worked to renew the beauty of these lands and waters which man had carelessly soiled. Even before the issues of conservation, natural resources, and environmental quality came to be fashionable, he helped shape national policies for these vital concerns.

It can be said that he has left his mark on the valleys, mountains, and streams of this country. In doing so, he came to represent a larger constituency than the good people of Montana; namely, the people of the entire United States. In a city where monuments honor greatness, Senator METCALF worked to enact legislation which will be a lasting monument to his memory across the land. He left his mark on history by helping awaken people to the need for conservation and the protection of our limited natural

resources and the environment in which we live. Many Americans who have never met Senator METCALF and many Americans yet unborn will be deeply indebted to this man for his dedication to conservation. It should be said that he was a rational and tempered environmentalist. In this day of conflict between preservation and improvement of the environment, and the development of the economy, particularly that sector of the economy dependent on the supply of energy, his was a calm and practical voice. He became a leading congressional proponent of proposals for the regulation of strip mining and the reclamation of lands from which coal is mined. In his passing, the Earth has, indeed, lost a friend.

The environment was only one of the concerns to which Senator METCALF lent his talents and energy. His concern for conservation was not confined to natural resources. He was concerned over the conservation of human life. His interest in Federal aid to education, social security, medicare, and his compassion for the American Indian are indicative of his concern over the development and preservation of human resources.

It was my privilege to serve with him for a time as a member of the Senate Committee on Government Operations. I was continuously impressed with his dedication to the improvement of the effectiveness and responsiveness of the Federal Government during this period. Mr. President, in the death of our esteemed colleague, Senator METCALF, the Nation has lost one of its foremost conservationists, the State of Montana has lost a vigorous champion, and the Senate has lost an effective member. I join my colleagues in extending our sympathy to his wife, Donna, and to the other bereaved members of his family.

A TRIBUTE TO SENATOR HUMPHREY

Mr. INOUE. Mr. President, shortly before he died HUBERT HUMPHREY told the pastor of the House of Hope Church where his funeral service was to be held that he had had enough eulogies to last a man two lifetimes. Since then he may well have had enough to last him all eternity. These remarks result less then from any sense that any words of mine will add something new or different to what has been said by so many than it does from my felt need to express my thoughts about this beloved man.

The universal affection and almost universal admiration with which HUBERT HUMPHREY was regarded in his later years was one which I shared and shared fully throughout his long career.

As a non-Caucasian, and as a Hawaiian who could not vote in national elections, I was particularly moved by his stirring call for a strong commitment by our Democratic Party to the cause of human rights in 1948. He was a strong advocate of statehood for Hawaii and this, too, was consistent with his basic philosophy of human rights.

When I came to the Congress, it soon became evident to me that here was a man of uncommon ability and uncommon energy who yet had within him an

almost uncanny ability to find the common ground upon which legislative monuments are built. While we did not often disagree, he was certainly one with whom one could disagree and still find the warmest of personal receptions. The high regard in which he was held by people of widely differing political philosophies stands in testimony to his endearing qualities as a human being. All kinds of people loved HUBERT HUMPHREY.

I was privileged to be temporary chairman and keynoter of the 1968 Democratic Convention which nominated HUBERT H. HUMPHREY as the Presidential candidate of our party even as it made his election almost impossible. Never before has our party handed to any man such a tarnished prize. The assassination of Martin Luther King and Robert F. Kennedy and the riots in the cities had already poisoned the atmosphere of American politics enough. Add to these the burden of Vietnam and the spectacle of the Chicago Convention and it was enough to discourage any man and to make a mockery of his "politics of joy." But HUBERT HUMPHREY went on to campaign valiantly—to almost snatch victory from the jaws of defeat. While he lost by less than a percentage point, the effectiveness of his campaigning saved many a Democrat in the Congress and kept our party in control of both Houses.

I shall be forever proud of the fact that I campaigned long and hard, in many parts of this country, for the Humphrey-Muskie ticket and remain grateful for the opportunity to have done so. Many have since expressed their remorse that their faith in HUBERT HUMPHREY failed them during those weeks and months of strife in 1968 and have asked his forgiveness. This he has freely given for one of HUMPHREY's greatest traits—some would call it a weakness—was his willingness to forgive others. He could not bear a grudge—nor could anyone bear a grudge against him for long. It was this about HUBERT HUMPHREY—probably more than any other characteristic—which led our President to refer to him as "the most beloved of all Americans."

HUBERT HUMPHREY's concern was truly for all mankind. In recent years, I worked with him closely on matters affecting our Nation's efforts to help the people of the world's less developed countries improve their living standards. I have served as chairman of the Foreign Operations Subcommittee of the Appropriations Committee while HUMPHREY served as chairman of the Foreign Assistance Subcommittee of the Foreign Relations Committee. In these capacities, we shared a common purpose. Many whom he helped will never know his name. Neither was foreign aid something which was popular with HUMPHREY's constituents but that never concerned HUMPHREY. When he saw someone in need, he reached out to help. He did not weigh the political pluses and minuses. Government to him meant an opportunity to serve and to help those in need. The causes which enlisted his talents and almost indefatigable energies were as numerous as the problems of mankind.

The HUBERT we knew and loved was not a loner but an enlister and a teacher. He

built a political party in his State which is a model of popular grassroots participation and electoral success. The people he inspired fill the ranks of government service in his own State and throughout our Nation at every level from Vice President on down. Through the Humphrey Institute of Public Affairs and through the example which he gave us, he will continue to inspire generations of Americans yet unborn. He was a most uncommon, common man.

A TRIBUTE TO SENATOR METCALF

Mr. INOUE. Mr. President, I wish to pay tribute to the memory of our recently departed colleague, Senator LEE METCALF. His sudden death on January 12 was a shock and surprise to his family, his constituents, and his former colleagues.

Montana will long remember and greatly miss its experienced and liberal spokesman whose voice was so clear on humanistic and conservation issues.

Hawaii will remember his struggle to fairly represent the less powerful elements of society, his concern for rural problems, and especially his interest in education as exemplified by his great leadership in securing passage of the National Defense Education Act.

The consequences of two of his initiatives—the Democratic study group, and the Congressional Budget and Impoundment Control Act—will long continue to influence changes in Congress. It is unfortunate that death cut short his service in the Congress and, moreover, preempted a reflective period which should have followed his scheduled retirement. I am sure that LEE's keen intellect and legal interests would have made such reflection on these changes productive and instructive to us.

LEE METCALF's passing is itself a reflective moment for me. We have spent many years together in the Congress. My prayers are with his family.

A TRIBUTE TO SENATOR HUBERT HUMPHREY

Mr. STENNIS. Mr. President, I rise to pay my personal tribute to our departed colleague, Senator HUBERT H. HUMPHREY. With his death the Nation has lost one of its most distinguished citizens, the Senate has lost a legislator of great talent, and I have lost a friend.

When I came to the Senate he was in his second term as mayor of Minneapolis, and a year later, in November 1948, he was elected to the Senate. We have been colleagues and coworkers since, though of course, he was Vice President and President of the Senate for 4 years, and was away from the Senate for a 2-year period. We faced many serious and complex issues together. On some of them we held different views. Whether or not we were together or opposed on an issue I knew and respected his great sincerity in his efforts to do what he thought best for the public good.

HUBERT had a capacity for sharing the problems and feelings of American people. He was a man of heart, and compassion, who truly desired to help those who needed it. Americans felt this, and had a great affection for him as a public figure, even those who differed with pro-

grams he supported. His colleagues had this same affection for him, and in addition the admiration that came from the opportunity to be his friend and to observe him in action as a skilled legislator.

He was instinctively a man of action. To perceive a need was to act upon it, and with his great energy he involved himself in a wide spectrum of legislation, and had an impressive record of success with it. I think this is why he loved his profession. He loved people, and the chance to do something for them, and it was a joy for him to work at it.

It is difficult for me to accept his loss, but I am consoled by many happy memories of him, and of his great enjoyment of life while he was with us.

Mrs. Stennis joins with me in expressing our sympathy to Muriel and their children, and in the hope that they will receive consolation from the warm affection for HUBERT held by his countrymen. No man ever tried harder to do what he thought was useful and right. He followed good intentions with the strongest possible effort.

A TRIBUTE TO SENATOR METCALF

Mr. STENNIS. Mr. President, the recent death of Senator LEE METCALF of Montana deprives us all of a colleague who had a very long and distinguished career as a public servant.

Senator METCALF began his service to the people of Montana in 1936. Since then, except for military service in World War II, he has served successively in the State legislature, the Montana Supreme Court, and in the Congress. He had four terms in the House of Representatives, and since 1961 has been our colleague in the Senate.

I did not have the privilege of working closely with him in committees, for we had different assignments, but I know that he was a hard worker, persevering and thorough in his pursuit of facts and good legislation. He had a deep and abiding interest in conservation of natural resources, and in the course of his career did much toward that end. I know that when he addressed a subject on the floor he had carefully prepared himself and marshaled his facts. He was a strong advocate for the people of Montana, and they owe him a debt of gratitude for his many years of dedicated public service.

We in the Senate are also indebted to him for his willingness at all times to undertake his part and more of the work we share. He accumulated an impressive record of hours of service in presiding over the Senate, and he chaired endless hours of hearings. He had a fine record and he will be missed.

Mrs. Stennis and I join in offering our condolences to his widow, Mrs. Donna H. Metcalf, and to their foster son Jerry, in their great loss.

A TRIBUTE TO HUBERT H. HUMPHREY

Mr. PEARSON. Mr. President, more than any other man, HUBERT HUMPHREY fought and prayed for the betterment of his fellow man. It was through his many initiatives, his contagious appeals, that we are continuing to build a morally stronger, wiser, and more compassionate

Nation. One cannot think of a higher tribute.

He was a man who did not fight his battles unfairly, using the personalities and weaknesses of others. He fought using only the powers of reason. He shunned equivocation and taught us that truth is a jealous mistress.

He wanted to be remembered and most certainly he will. And he shall never be gone so long as he is remembered.

A TRIBUTE TO LEE METCALF

Mr. PEARSON. Mr. President, LEE METCALF yielded to the ordinary law of life and nature, as must we all, but he was not an ordinary man.

He was a thoughtful person who was dedicated to the quality of life. He strove for the improvement of the next generation as well as his own. He used his time doing what he most wanted to do, and he did it well.

Words to express our respect and our friendship dash about in each of our minds. Yet no matter the outcome the phrases fall short when put next to the man and his accomplishments.

SENATOR HUBERT H. HUMPHREY

Mr. BURDICK. Mr. President, HUBERT HUMPHREY was a truly remarkable human being. Yet I am at a loss to add to the eloquent eulogies already delivered. He and I campaigned together in Fargo-Moorhead on many occasions. He and I worked closely during the formative stages of the Democratic-Nonpartisan League in North Dakota and the DFL in Minnesota, sister parties in the progressive populist tradition. He and I shared Dakota as the place of our birth. And he and I shared a strong commitment to agriculture and rural America.

I have the feeling that this sharing was the genius of HUBERT HUMPHREY. From the events of this past week, it seems that few Americans did not share something with HUBERT HUMPHREY. He was a man of wide interests, of great enthusiasm and of great love. A small measure of his outpouring of love for this country has been expressed to date. As the days unfold, the true picture of HUBERT HUMPHREY "the happy warrior" will come clear. He was truly a remarkable man.

In HUBERT HUMPHREY the average American knew a friend. The farmers of America had a strong voice of support. HUBERT HUMPHREY was a friend to people in all walks of life in America. Farmers, laborers, consumers, and business all were welcome in HUMPHREY's door.

In HUBERT HUMPHREY we know a man of conscience, yet also a man who knew how to compromise. HUMPHREY knew when to push for victory and he knew how to accept lesser gains. He made "politics" and "politicians" into good words again, not just because he played politics so well, but because he showed us the art in politics, and the humor in politics and the honesty and the anguish in politics. In all the eulogies delivered no one has called HHH a man above humanity. For that he was not. He was amidst the human condition and from that experience he derived the great and

noble principles to which he dedicated his life.

SENATOR LEE METCALF

Mr. BURDICK. Mr. President, the passing of my friend and neighbor LEE METCALF calls to mind the words of the great poet E. B. White:

I am pessimistic about the human race because it is too ingenious for its own good. Our approach to nature is to beat it into submission. We would stand a better chance of survival if we accommodated ourselves to this planet and viewed it appreciatively instead of skeptically and dictatorially.

LEE METCALF's philosophy of life and legislation was as poet White suggested. He was a friend of the environment.

Though a quiet man, he distinguished himself here in Washington as well as in his native Montana through his dedication to principle. He was a persuasive legislator, a man who gloried in the substance of politics. As one Montana editorialist put it:

He shunned publicity, detested the glare of TV lights, and rarely was excited to see his name in the paper.

This was LEE METCALF's special genius. His advocacy was not just a series of speeches. LEE METCALF translated his principles and dreams into legislation. A prime example of his effectiveness in the Congress is the Surface Mining and Control Act, which he managed on the Senate floor. His advocacy of this important idea was the sine qua non of this act.

While the strip mining bill was a highlight in his career, Senator METCALF is to be credited with other numerous achievements. LEE METCALF led the fight in 1964 for the Wilderness Act, the results of which are only beginning to be realized today. He provided forceful and effective leadership as Chairman of the Migratory Bird Conservation Commission. He was a strong voice in Washington for agriculture. He also left his mark in the areas of health, jobs for young people, human nutrition, Indian affairs, and education. His dedication to education was singular. But above all, LEE METCALF was a champion of preservation and wise dedication of this great Nation's natural resources. LEE METCALF was a friend of people.

TRIBUTE TO SENATOR HUMPHREY

Mr. BAYH. Mr. President, with the opening of the 2d session of the 95th Congress, the Nation is without one of its most inspirational leaders, HUBERT HORATIO HUMPHREY. Those of us who were his colleagues in the Senate have lost a dear friend and wise counsellor. His family has suffered the loss of a beloved husband, father, and grandfather. Certainly no words spoken here today can do more than catch a glimpse of what he was to those of us who knew him personally and what he accomplished for the Nation he served.

While it is difficult to avoid a sense of loss and grief at his death, one of the last things HUBERT HUMPHREY wanted to surround his passing was sadness. It will be more fitting to remember how courageously HUBERT HUMPHREY lived and to dedicate ourselves to continuing the fight

for true social and economic equality for all Americans.

For as long as I can remember, HUBERT HUMPHREY was at the forefront of the on-going struggle for social economic justice throughout our society, and HUBERT HUMPHREY did not wait for issues such as civil rights to become popular before becoming involved. He has always searched for what was right and devoted his extensive energy to winning people over to his positions.

HUBERT HUMPHREY understood the problems that face the average citizen, particularly the never-ending search for affordable health care and a decent education for our young people. As a result of his understanding, compassion, and commitment, he was instrumental in the creation of such programs as Head Start, medicare, community mental health centers, and aid to elementary and secondary schools. Today, these programs enrich and enhance the lives of millions of Americans.

Although HUBERT HUMPHREY has a lengthy and illustrious list of legislative achievements, I believe his approach to government was equally as important. HUBERT HUMPHREY was not afraid to squarely face the depths and complexity of the many social and economic problems facing this country. He truly felt the problems of those who were disadvantaged as a result of prejudice of all sorts—race, religion, sex, or age. However, HUBERT HUMPHREY never stopped believing that no matter how serious the problems, through hard work and commitment we would find and implement solutions. This optimism, born out of a deep understanding of our Nation, serves as an inspiration to everyone of us who ever had contact with HUBERT HORATIO HUMPHREY. The happy warrior is a most fitting description of HUBERT HUMPHREY's exuberant approach to problems.

Few persons have had as great an impact on this Nation and on the times in which we live. All who knew him can only say that HUBERT HORATIO HUMPHREY was no ordinary man. He ran where others walked; laughed and cried where others showed no emotion; cajoled where others cowered. He raised the conscience of this Nation by refusing to accept equality as being anything less than equal. I believe that all of these qualities will continue to serve as an inspiration as together we continue to seek to provide each citizen with the best possible quality of life—the kind of life that HUBERT HORATIO HUMPHREY worked throughout his entire career to achieve for all of us.

TRIBUTE TO SENATOR HUMPHREY AND SENATOR METCALF

Mr. FORD. Mr. President, in recent days many eloquent words and well-deserved tributes have been spoken about our late departed colleagues, Senator HUMPHREY and Senator METCALF, and there is little I can add except to say I share a deep and personal sadness over the loss of two most respected and beloved Members.

It was my privilege to know and work closely with both of them over the past 3 years, and I hold each in the highest regard.

Senator HUMPHREY was a very personable and extremely wise and caring human being. He had the unusual ability to bring people together in time of need, something he showed us time and time again. He was an inspiration to all the Members of the Senate—both old and new alike—and a voice to which we looked for insight and wisdom. His leadership in the Senate and the country will be sorely missed.

If HUBERT HUMPHREY symbolized the spirit of the Senate, then LEE METCALF epitomized its conscience.

Quiet and effective, LEE METCALF was a man of the highest ideals and convictions. His life was dedicated to public service and he served the people of his State in many capacities—as Assistant Attorney General, as an associate justice of the Montana Supreme Court, as a Member of the U.S. House of Representatives for 8 years, and, finally, 18 years in the U.S. Senate.

LEE METCALF fought diligently to advance the many causes in which he so strongly believed, among them education, conservation and consumer protection. He was a conscientious and able legislator who, like Senator HUMPHREY, had a major impact on countless pieces of landmark legislation over the past 26 years.

Even though their public careers followed different courses, each left his mark on the Senate and this country in a very special way. Though their presence will be missed, it will never be forgotten, nor will the high measure of respect we hold for each who gave so much of his life to our country.

TRIBUTE TO SENATOR HUBERT H. HUMPHREY

Mr. BAKER. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by Senator GOLDWATER.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR GOLDWATER

Hubert Humphrey. How does one describe this man? I would say he was one heck of a man and I think that would be understood by every person in America. I had the privilege of knowing him far better than most men have been able to because we were constantly engaged in arguments, but we never became disagreeable over them. I remember when I campaigned for the Presidency and Hubert was opposing. He was strong and he was a tough foe, but never once did he descend to the depths that some of his fellow politicians did. I have often felt that he would have been a fine President and, frankly, I regret that he did not have the chance to be the leader of our country. He has been an example to all of us, not only as a man of honesty, but a man of extreme courage, dedication and purpose, and I know that Heaven is going to be a better place to go to, if that be our lot, because Hubert will be there awaiting us with his broad, cheerful grin, a pat on the back, and an offer to help us get acquainted and get along.

Mr. ANDERSON. Mr. President, I ask unanimous consent that the family

funeral service for Senator HUBERT H. HUMPHREY, conducted by the Reverend Edward L. R. Elson, Chaplain of the U.S. Senate, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE FAMILY FUNERAL SERVICE FOR SENATOR HUBERT H. HUMPHREY CONDUCTED BY THE REVEREND EDWARD L. R. ELSON, CHAPLAIN OF THE U.S. SENATE, IN THE CAPITOL ROTUNDA PRECEDING THE PUBLIC "LYING IN STATE," JANUARY 14, 1978

OPENING SENTENCES

God is a Spirit and they that worship Him must worship Him in spirit and in truth.

The souls of the righteous are in the hand of God, and there shall no evil touch them. They are in peace.

Blessed are the pure in heart, for they shall see God.

They that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run and not be weary; and they shall walk, and not faint.

PRAYER

O Thou, Living Christ whom having not seen, yet we know and love and serve, come to us in all the vividness of Thy resurrection power to comfort, to heal and instruct us.

Our Father-God, we thank Thee that in Thy Providence Thou didst give HUBERT HUMPHREY to the world, and especially to this company here gathered.

O Lord, grant the consolation of Thy love, the healing of Thy grace, the companionship of Thy presence to Muriel, the children and grandchildren and all who are near and dear to Thy servant.

Be with all of us that our family memorial and the public tributes may be according to Thy will. Make us strong in body and mind and spirit. May some measure of HUBERT's love, his spirituality, his idealism, his innate goodness be gathered into us and expressed in our lives.

Be with this Nation and the world in its loss. May all people learn the lessons of life and freedom and service which is his legacy.

Now speak to us through the scriptures, in sacred silences and in hallowed memory.

Through Jesus Christ, our Lord. Amen.

OLD TESTAMENT SCRIPTURE

The Lord is my light and my salvation; whom shall I fear? The Lord is the strength of my life; of whom shall I be afraid?

One thing have I desired of the Lord, that will I seek after; that I may dwell in the house of the Lord all the days of my life, to behold the beauty of the Lord, and to inquire in His temple.

I offer in His tabernacle sacrifices of joy; I will sing, yea, I will sing praises unto the Lord. (Psalm 27:1,4,6)

The Lord is my Shepherd; I shall not want. He maketh me to lie down in green pastures:

He leadeth me beside the still waters.

I shall not want.

He restoreth my soul:

He leadeth me in the paths of righteousness for His name's sake.

I shall not want.

Yea, though I walk through the valley of the shadow of death,

I will fear no evil: for Thou art with me:

Thy rod and Thy staff they comfort me.

I shall not want.

Thou preparest a table before me in the presence of mine enemies:

Thou anointest my head with oil;

My cup runneth over.

I shall not want.

Surely goodness and mercy shall follow me all the days of my life:

And I will dwell in the house of the Lord forever.

I shall not want. (Psalm 23)

NEW TESTAMENT SCRIPTURE

Beloved, let us love one another: for love is of God: and everyone that loveth is begotten of God, and knoweth God. He that loveth not knoweth not God; for God is love.

In this the love of God was manifested toward us, that God sent his only begotten Son into the world, that we might live through him. Herein is love, not that we loved God, but that he loved us and sent his Son to be the expiation of our sins. Beloved, if God so loved us, we also ought to love one another. (I John 4:7-11)

FROM "THE PROPHET" BY GIBRAN

You give but little when you give of your possessions.

It is when you give of yourself that you truly give...

And there are those who give, nor do they see joy, nor give with mindfulness of virtue;

They give as in yonder valley the myrtle breathes its fragrance into space.

Through the hands of such as these God speaks, and from behind their eyes He smiles upon the earth.

MEMORIAL TRIBUTE

We have paused here, before the public ceremonies are opened to the whole world, to offer our simple tribute of affection and thanksgiving. Memory speaks to each of us with its own silent eloquence, though Hubert's voice is stilled.

He had scores of friends among the clergy—Priests, Rabbis and Ministers. He was a genuine Christian layman—committed to Christ and His Kingdom in a catholicity of spirit which transcended any one denomination, although he was a devoted member of a particular church. He was steeped in the message of the Bible.

Not long ago my phone rang before eight o'clock in the morning and it was Senator Humphrey. "Chaplain," he said, "where do you find the passage in the Bible about the seven fat years and the seven lean years?" "How soon do you need it, Senator?" I asked. "In three minutes, minutes," he replied. "I can tell you now within half a dozen verses just where it is." He found it and went off to make his speech.

The Senate Chaplain's position is non-partisan and non-denominational but that doesn't control the activities of our grown children. To you we confess that our adult children, especially two redheads, worked untiringly in campaign offices for his election to the Vice Presidency and Presidency. They shared in both the joy and sorrows of those experiences.

After my election as Chaplain of the Senate in January 1969 I learned about the meaning of his quiet friendship. President Johnson sent him as his representative at the funeral of Trygve Lie. Thus, he would not be at the Democratic Caucus which was to nominate a new Senate Chaplain. But before taking off he called Senator Richard Russell, the President pro tempore, and said, "It is time for us to elect Dr. Elson Chaplain of the Senate". Senator John Stennis made the nomination and the election took place January 9, 1969. All this I learned after assuming the office.

There are a thousand memories like these among us today.

Let me as a Christian clergyman salute him in three sentences—(1) In his condemnation of social evil and especially injustice he sounded like an Old Testament prophet calling for repentance and summoning all men to the way of righteousness. (2) In his compassion for the dispossessed and the suffering he had the character of a New Testament saint. (3) In his inclusive love of all mankind he was like his Lord and Master.

PRAYERS

Eternal God, our fathers in their pilgrimage walked by Thy guidance and rested on Thy compassion. Still to their children be Thou the cloud by day, the fire by night. Take now the veil from every heart and join us in one communion with all those Thy servants, who trusted in Thee and were not ashamed.

We seem to give him back to Thee, O God, who gavest him to us. Yet, as Thou didst not lose him in the giving, so we have not lost him by his return. Not as the world giveth, giveth Thou, O Lord, what Thou gavest, Thou has not taken away. For what is Thine is ours always, if we are Thine. Life is eternal, love is immortal, and death is only an horizon, and an horizon is nothing save the limit of our sight.

Lift us up, strong Son of God, that we may see further: cleanse our eyes that we may see more clearly; draw us closer to Thyself that we may know ourselves nearer to our beloved who are with Thee. And while Thou dost prepare a place for us, prepare us for that place that where they are, and Thou art, we too may be.

We bless Thee for Hubert's home life, for his gift of friendship and outreach, for the breath of his human sympathies, for his infectious humor, for his keen intellect and polished gift with words, for his joy in the work of Thy Kingdom, for his influence reaching out to the ends of the earth, for his trust in Thee, and his devotion to the Church universal. Surely he was one who did justly, loved mercy, and walked humbly before Thee all the days of his mortal life. Remembering that he lived generously and served faithfully, may we enter into his unfinished labors. Thus may the past find fulfillment in the faithfulness of the present, and our memory of Hubert strengthen us in our delight to do Thy will.

Unto Thy mercy, O God, and the care of Thy love we commit Thy servant, in the sure and certain hope of the resurrection to eternal life.

Into the care of Thy love we commit ourselves, praying that Thou wilt lead us in the way of Thy commandments, and that Thou wilt grant unto us comfort in our loss and the peace which Thou alone canst give.

Lord, support us all the day long of our life, until the shadows lengthen and the evening comes, and the busy world is hushed, and the fever of life is over, and our work is done. Then in Thy mercy grant us a safe lodging and a holy rest and peace at last; through Jesus Christ our Lord; who taught us to pray, saying—

THE LORD'S PRAYER (IN UNISON)

Our Father, who art in heaven; hallowed be Thy name.

Thy kingdom come; thy will be done; on earth as it is in heaven.

Give us this day our daily bread and forgive us our trespasses, as we forgive those who trespass against us.

And lead us not into temptation, but deliver us from evil.

For thine is the kingdom and the power and the glory for ever and ever. Amen.

BENEDICTION

The God of peace, that brought again from the dead our Lord Jesus, that great Shepherd of the sheep, through the blood of the everlasting covenant, make you perfect in every good work to do His will, working in you that which is well-pleasing in His sight; through Jesus Christ, to whom be glory for ever and ever. Amen.

TRIBUTE TO SENATOR HUBERT H. HUMPHREY

Mr. SCHWEIKER. Mr. President, the passing of Senator HUBERT H. HUMPHREY leaves a void in the American experience

that will not soon be filled. He was admired and respected by more Americans than perhaps any other public figure of our time. The love expressed for HUBERT HUMPHREY by his countrymen grew out of his unyielding compassion for the common man, his boundless energy, and his eternal optimism.

I know the other Members of the Senate share fond personal memories of their association with Senator HUMPHREY. I would like to share one of the very pleasant memories I have which typifies the HUMPHREY personality as well as any.

On the day I was sworn in as a freshman Senator in 1969, HUBERT spent a considerable amount of time with my wife, my children, and my parents in the Vice President's office. He fondly recalled the day he was first sworn in as a freshman Senator from Minnesota, and pulled out his pictures to show us. The graciousness he exhibited and the time he spent with us made a deep impression on my family since it came only a few short weeks after his loss in the 1968 Presidential race.

Certainly, the actions of HUBERT HUMPHREY that day and his ability to maintain that sort of perspective even in the face of great personal loss are the mark of a truly great man. He will be sorely missed by all of us who served with him and grew to cherish his friendship, rely on his wisdom, and appreciate his outstanding contributions to the Nation and to the world.

A TRIBUTE TO SENATOR HUBERT H. HUMPHREY

Mr. CURTIS. Mr. President, many fine tributes have been paid today to our colleague, Senator HUMPHREY, and many on other occasions. These statements carry a vast amount of factual information about this man who is such a part of American life. He is deserving of all that has been said about him.

It shall not be my purpose to try to add to the details concerning the life and work of Senator HUMPHREY. Scholars will be devoting full time to this for a long time to come. I merely wish to make a brief statement for the benefit of the record and to express my sincere sympathy to Mrs. Muriel Humphrey and all of the Humphrey children and grandchildren.

HUBERT HUMPHREY was foremost a fine individual. He was a high-class human being. He was the type of man that, if I were to pick a next-door neighbor, Senator HUBERT HUMPHREY would lead the list.

I shall greatly miss HUBERT HUMPHREY and I extend my sympathy to all those who mourn.

TRIBUTE TO SENATOR HUMPHREY

Mr. YOUNG. Mr. President, there is little that one could add to the beautiful thoughts already expressed by members of the news media and almost everyone about HUBERT HUMPHREY. His memory, the things he stood for, and his accomplishments will live on for years and years to come and be a great influence for our people and especially our young people.

An editorial in the Arizona Republic, of January 15, beautifully expressed the

sentiments of the innumerable eulogies and tributes paid to our late friend, HUBERT HUMPHREY. Permit me to quote in part from this editorial.

So, the once-bouncy, always ebullient Minnesota Senator knew from the start, when doctors intoned the dread verdict of his final and incurable illness, that he had no chance to survive.

But it was characteristic of HUMPHREY, in these last six months, to face his end with the same realism which had pulled him through painful political setbacks throughout his public career.

He would not, and did not, let inner personal grief and despair darken the hopes and prayers of those who admired and idolized him. To the end, he fought to keep the spirits of millions high.

It is understandable that HUBERT was so admired and especially in the last several months of his life. This was when his finest qualities became evident to all. He was always a courageous, kindly person. I doubt if he ever hated a single soul. He might have disliked a few, but he was always a lovable person and in his heart would have liked to have made every person a king. I am sure he found his greatest enjoyment in life in helping others.

I first came to know HUBERT when he was mayor of Minneapolis, shortly after I came to the Senate in 1945. On the first day I met him he offered to help me. This was at a time when plane service was very poor and quite often I was stranded in Minneapolis. Rooms were very difficult to get, but HUBERT would see that I had a place to sleep.

When HUBERT came to the Senate he soon became a member of the Senate Agriculture Committee and served on that committee most all the time during his long service in the Senate. This was a committee that I was assigned to the first week I came to the Senate and have served on ever since. I mention these assignments of ours because we worked closely together on agricultural matters. It was here that he demonstrated his great sympathy for farmers and their often very difficult financial problems. Perhaps the major reason why he stayed on the Agriculture Committee was much the same as mine. He was born on the prairies of South Dakota and I was born on the prairies of North Dakota.

He demonstrated early his effectiveness on the Agriculture Committee, and that effectiveness soon became evident on the floor of the Senate on many different subjects. His major interest was always trying to help people, no matter what walk of life. It was a real joy to be working on any legislation in which the two of us were involved.

In the more than 30 years that I knew HUBERT HUMPHREY, and was associated with him on agriculture legislation, there was never an unkind word between us.

Mr. President, may I quote again from part of the editorial in the Arizona Republic of January 15. This so succinctly describes HUBERT's great qualities and why he was so loved and respected by people:

The imprint Sen. Humphrey has left on American life goes far beyond legislation which carries his name, or structures dedicated to his memory.

His most enduring mark is in the hearts of millions of Americans for whom he personally cared, and reached out to touch with kindness, hope, encouragement and joy.

A nation has lost one of its most beloved and respected citizens and I have lost a wonderful friend.

Mrs. Young and I extend our deepest sympathy to all the family and especially Muriel. She is in her own right a remarkable person and was always close by HUBERT's side in triumph and misfortune.

TRIBUTE TO SENATOR METCALF

Mr. YOUNG. Mr. President, the U.S. Senate, the people of Montana and the people through this Nation mourn the loss of a very fine Senator, LEE METCALF.

LEE was always a friendly, likeable person. This coupled with many other fine qualities made him an effective legislator.

LEE had a very special interest in agriculture and environmental questions. He had great knowledge and sympathetic understanding of the rugged and beautiful areas of the West. He spent much of his time and considerable influence in trying to preserve that beauty and great resource.

While I never served on the same committee as LEE METCALF, we were both interested in legislation affecting agriculture and reclamation and he was a powerful influence.

One could not help but like and respect LEE. He was always a friendly, personable man and he tried his best to help others if he thought they were right.

LEE has left his mark on a great amount of legislation during the time he served here and, even more important, on the lives of people who came to know and respect him.

Mrs. Young and I extend our deepest sympathy to all the family and especially to his wife, Donna. Mrs. Young is a close friend of Donna and she has always loved and respected her.

TRIBUTE TO SENATOR HUMPHREY

Mr. HOLLINGS. Mr. President, he seemed bigger than life in so many ways, yet HUBERT HUMPHREY's greatness was his very humanity. There lived in his heart all those good and decent virtues for which his country stands. He learned them as a youth and he lived them through his life. There was determination, there was courage, there was unbounded good will. But the core was a basic faith which made all the rest possible. HUBERT HUMPHREY believed. He believed in building. He believed in working together. He believed in the essential goodness of man. These beliefs were held with a depth of conviction that I have known in no other man. From that faith came the goodness that was in his heart, the vision that was in his mind, and the sunshine that was his personality.

Not long after my election to the Senate, I was speaking at C. A. Johnson High School in Columbia, S.C. On the platform was the finest looking Navy man I had ever seen. I learned that he was a midshipman from Annapolis and the second honor graduate. I asked the principal as we were leaving who had

appointed this man to the Naval Academy. He hesitated, and then in a quiet voice said, "Senator, we couldn't find a Senator or a Congressman to appoint a black, so we got in touch with Senator HUMPHREY." The Senator from Minnesota had appointed this South Carolinian, and if I did not understand when I went into that high school auditorium, I knew when I went out that HUBERT HUMPHREY practiced what he preached.

Throughout his years, he gave meaning to the American dream. When some cry "reform, reform," let the record show that this man was giving America reform before half our present population was born. And for many of us who only recently understood the need to reaffirm our belief in human rights, recall that it was 30 years ago when HUBERT HUMPHREY exhorted his party to "get out of the shadow of States rights and walk forthrightly into the bright sunshine of human rights."

The greatest strides of those 30 years carry the imprint of this most creative of Americans. Civil rights, Federal aid to education, Job Corps, Head Start, Test Ban Treaty, and dozens more. His solution went to the heart of the problem. He treated causes rather than effects. And each program was based foursquare on his trust of the people.

HUBERT HUMPHREY believed in open, participatory democracy. It never occurred to him to condemn democracy because there were those who breached the public trust. The cure for abused democracy was, he always believed, more democracy. Through the worst excesses of the past decade, he was convinced that the American people lacked only true and faithful leadership to make their ideals effective in government. For those who say they do not believe in politicians any more, the outpouring of grief we witness on this sad occasion is proof that the American people are waiting for more politicians like HUMPHREY who believe in the people.

He sought office not for the title but only for the time to serve, to participate, to keep the public trust. He knew that situations are not hopeless—it is only men who are hopeless about situations. Seeing him, listening to him, I often was reminded of that statue in New York Harbor that I saw for the first time upon returning home from 3 years at war.

Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tossed, to me: I lift my lamp beside the golden door.

Just as stalwart, just as brilliant, just as inspiring, HUBERT HUMPHREY lifted his lamp beside the golden door of democracy.

He died as he lived, with almost unbelievable courage, with hope, with his faith unshaken. Few of us can match his example; but all of us can try.

As I say farewell to this greatest of Americans and warmest of friends, I see him standing before us, exhorting us once again with that favorite Carl Sandburg quote that he spoke so often:

I see America, not in the setting sun of a black night of despair ahead of us. I see America in the crimson light of a rising sun.

fresh from the burning, creative hand of God. I see great days ahead, great days possible to men and women of will and vision.

Mr. President, before concluding, I would express our thanks to the many people involved in handling the arrangements for Senator HUMPHREY's funeral.

We would like to acknowledge the numerous offices and agencies which gave their full assistance and cooperation in the services for Senator HUMPHREY, both in Washington and Minnesota.

Within the Senate, we especially thank the Sergeant at Arms and his staff for coordinating and handling the transportation of the remains of Senator HUMPHREY, his family, and the Members of the Senate and House of Representatives between Washington, D.C., and Minnesota, and for his assistance with regard to the ceremonies in the Capitol Rotunda.

Other offices within the Congress to whom we also owe a tremendous debt of gratitude include the Secretary of the Senate, the Architect of the Capitol, the U.S. Capitol Police, the Senate Chaplain, and the Speaker of the House.

In addition, we also thank the President and his staff, the Vice President and his staff, and U.S. Air Force, the military district of Washington, the Secret Service, and Gawlers Funeral Home.

In Minnesota, we acknowledge the excellent cooperation and assistance of the offices of Senator HUMPHREY and Senator ANDERSON, the Governor of Minnesota, the mayor of Minneapolis and the other local and regional elected officials, the State, county, and local law enforcement officials, Werness Brothers Funeral Home, the pastor and staff of House of Hope Presbyterian Church, the Leamington Hotel, and the many private citizens who offered their services.

TRIBUTE TO SENATOR METCALF

Mr. HOLLINGS. Mr. President, recent weeks have not been kind to the Senate or to the country. Our people have suffered the irreplaceable loss of three of the ablest public servants who ever entered this Chamber. And we as individual Senators have lost the close friendship of 3 men of character and genuine warmth.

LEE METCALF was not given to posturing or image-building. He believed that actions speak louder than words, and in his years of public service he built a record of solid achievement for the people of Montana and, indeed, of all the country. Before the so-called consumer issues became so fashionable, LEE METCALF was hard at work in the search for solutions. He was alive to the seriousness of the energy issues before almost any of his colleagues. He was fighting to preserve the environment before environmental issues could rate a headline. And, as one of the authors of the National Defense Education Act, he played a crucial and creative role in the formulation of our educational programs. Senator METCALF will be remembered, too, for conducting the hearings which led to the enactment of the Congressional Budget and Impoundment Control Act which established the congressional budget committees and the new and

greatly-improved budget procedures of the Congress.

But achievement is just a part of the story, and in fact the product of something more important. That is character. LEE METCALF had character. He had genuine compassion for the people of this country. He asked only to work in their behalf. He went about that work directly, quietly, openly, with a depth of integrity that is seldom seen. His candor and cordial demeanor won him many friends here and throughout the country. And I shall always treasure the friendship which he bestowed upon me. We have lost a wise and good man. We can be grateful for the legacy of achievement and the example of character which remains.

LEE METCALF

Mr. BARTLETT. Mr. President, LEE METCALF's contributions to the Senate and to his country were extensive. He was a fairminded individual, who consistently strived for what he thought was best for the majority of Americans. While he and I were on different sides of the aisle, and frequently took opposing stands, I admired his power of conviction, his disciplined approach, and his ease as a public speaker.

His efforts for consumers, interest in health care for the elderly, determined energy stance, conception of the National Defense Education Act, protection of the rights of workers, were but a few of the issues he solidly supported. He spoke for what he truly believed in, not for political gain.

Montana and the country have lost a good man. With vigor he effected the movement of legislation in Congress and influenced the lives of many Americans. We will all miss him.

HUBERT HUMPHREY

Mr. BARTLETT. Mr. President, while HUBERT HUMPHREY was never President of the United States, he was a leader of our country in other ways. He was a model to everyone on Capitol Hill as well as to people across the Nation.

Senator HUMPHREY was usually the keystone of the liberals, and I was usually in opposition to his ideologic approach. Yet I always admired the man for his courage to speak and act on his convictions. When there is a critical issue at stake, there will be at least two opinions, each of which needs to be evaluated and clarified. It is healthy and productive to debate these issues on the Senate floor, and Senator HUMPHREY was one of the best at presenting and defending the ideals in which he believed.

HUBERT HUMPHREY gained the love of virtually every American in his final days. His zest for life, his appealing qualities as a human being became examples for all of us to emulate. His optimism in spite of disappointment, his determination to succeed in the shadow of overwhelming circumstances, and his witty sense of humor when most of us would have given up, have left an impression on all of us.

Senator HUMPHREY's accomplishments include his battle for civil rights, initiation of the Peace Corps, and the establishment of the food-for-peace program.

So many of the issues he fervently fought for will continue to be vital issues for years to come. HUBERT HUMPHREY's causes and style will long be remembered in Congress, and his position as a revered, humanitarian statesman will be etched in our history and in our hearts.

He was one of the most genuinely friendly individuals I ever met.

TRIBUTE TO SENATOR METCALF

Mr. HODGES. Mr. President, it was not my privilege to serve long in the Senate with LEE METCALF. His death occurred shortly after I was sworn in. But my brief association with him will always be important to me, because Senator METCALF administered the oath of office to me when I entered the Senate. I considered it an honor then, and I consider it an honor now to have entered the Senate in such distinguished company.

Therefore, Mr. President, I rise with others of my colleagues to salute LEE METCALF. He was more than just a U.S. Senator. He was a distinguished statesman, a great American, and served his country with ability, determination, and skill. In addition, he gave generously of his time and counsel to me when, I am sure, there were other things on his mind than educating one of the newest Members of the Senate. His death was a personal loss for me, and caused our Nation to lose a man who shall not easily be replaced.

THEY WILL BE MISSED

Mr. HANSEN. Mr. President, the Senate and our country suffered a very real loss with the passing of Senators HUMPHREY and METCALF.

They were outstanding legislators and friends of the people and I cherish the fact that I knew them and worked with them on matters of mutual concern and interest.

The people of the West have lost a devoted friend and staunch advocate of their interests. For the past 11 years, I served with Senator METCALF on the Senate Interior Committee, now known as the Senate Energy and Natural Resources Committee, which has such enormous influence over life in the public lands States of the West.

No one has worked harder than LEE did to protect and preserve the unique lifestyle of the West and to see that the feelings and desires of western people were heeded in Washington.

The fact that there now is a tough Federal law requiring restoration of surface-mined areas is due to years of effort by Senator METCALF, who first wrote and introduced the legislation.

He was a man of great intelligence and ability.

He will be missed.

I did not work as closely with Senator HUMPHREY as I did with Senator METCALF but I was always impressed by the depth of interests exhibited by the senior Senator from Minnesota.

He had a deep and abiding concern for people and dedicated his life to making America a better place. He was always available, always eager to help with a cause and was unfailingly ready to meet and visit with people, no matter

what his schedule or the demands on his time.

HUBERT HUMPHREY personified what has made America so great and the envy of so many other countries. His memory and the good he accomplished stand as an excellent memorial to his name.

All of us can learn a great deal from the efforts that both Senators METCALF and HUMPHREY brought to the legislative process. They were dedicated. They were determined. They were dynamic. And they were always eager to serve their constituents at home and throughout the country.

None of us could ask for more than that. All of us have been enriched by having worked with them.

TRIBUTE TO SENATOR HUBERT HUMPHREY

Mr. HAYAKAWA. Mr. President, I would like to take this opportunity along with my colleagues to pay tribute to HUBERT HORATIO HUMPHREY, a man whose memory will be cherished by the people of this Nation for many years to come. It is one of those memorable occasions when the Senate is very much of one mind and heart, brought together by the admiration and affection we all hold for this distinguished man.

We are all aware of the monumental record of public service which HUBERT HUMPHREY compiled during his years in this body. His counsel was sought and adhered to by many of us, as well as by leaders of this country in times of peace and war. At the same time, we witnessed in him a true and lasting devotion to his wife and family.

It has been a great inspiration and a special privilege to have served as a Member of the Senate with a man of so many achievements. We all feel a profound sense of loss and will miss his remarkable presence.

TRIBUTE TO SENATOR LEE METCALF

Mr. HAYAKAWA. Mr. President, I would like to join my colleagues in paying tribute to LEE METCALF, a man dedicated to the best interests of all Americans. The United States and the State of Montana have lost a distinguished citizen.

His concern for the conservation of our natural resources was well known, and as a member of the Energy and Natural Resources Committee, he ably represented the special needs of the Western States.

He had a keen mind which he combined with great integrity. He was a fair man, a gentle man, admired by all, regardless of political persuasion. He was a man of consistent and unwavering dignity. We will miss him.

TRIBUTE TO LEE METCALF

Mr. STEVENS. Mr. President, in politics, few men are able to achieve the recognition and acclaim they sometimes deserve.

LEE METCALF belongs to that group of Senators whose faces are not easily recognized by the general public, yet whose presence in this institution enables it to carry on. The ability and influence of these Senators may only be known to the people they represent, and to the men with whom they serve.

I am one who worked closely with LEE, and we often found ourselves on opposite sides of the issue. Yet I will always respect the total commitment he made to the cause he so ably represented—the protection of the environment. Proponents of wilderness conservation had no stronger, more vocal ally in the Senate than LEE METCALF.

This zealotry and dedication was evidenced in every issue he believed in, from environmental protection to consumer protection. He played a primary role as watchdog of the multi-billion-dollar power industry and insured that the American taxpayer was fairly dealt with.

LEE METCALF was a man of whom Montana is justly proud. His many contributions to the legislative process will long be remembered, just as his presence in this body will be sorely missed.

TRIBUTE TO HUBERT HUMPHREY

Mr. STEVENS. Mr. President, this is a very difficult moment for all of us here in the Senate, for today we have come to express our feelings about the man we loved so dearly—HUBERT HUMPHREY.

Ever since the first news of HUBERT's passing spread throughout the Nation, millions of Americans have been moved to pay him their respects. But not every American had the good fortune of knowing HUBERT personally, though I am sure each and every person in this country has been somehow touched by his relentless spirit.

Today those of us who know him as a friend find it very hard to express on paper, or to read aloud, the feelings we hold for him so deeply in our hearts. It is not an easy task to summon up the right words for this moment.

Frankly, I am not surprised that HUBERT would want his passing to be met with celebration rather than sorrow. This request is indicative of the kind of man he was—the eternal optimist. HUBERT always had a kind word for everyone, regardless of that person's stature. He greeted pages with the same enthusiasm he greeted presidents. No man or woman, black or white, rich or poor was insignificant in HUBERT's eyes.

At a time when the image of politicians in this country was at its lowest point, HUBERT showed the American people that there was indeed such a thing as a truly dedicated public servant. In his duties, HUBERT's loving wife, Muriel, was always by his side providing quiet and strong support to him, even during the years that their family demanded much of her time and energy.

HUBERT's many accomplishments in the field of public service are well known. There is no need to cite them in detail.

Suffice it to say that the story of HUBERT HUMPHREY reflects the true celebration of life. I consider myself very fortunate to have served in the Senate with HUBERT HUMPHREY, just as the people of this Nation should consider themselves fortunate that it was they he chose to serve.

TRIBUTE TO SENATOR METCALF

Mr. TALMADGE. Mr. President, it was with great sorrow and profound sadness

that I learned of the tragic and untimely passing of our colleague, Senator METCALF.

Almost continuously from 1936, Senator METCALF dedicated his life to the service of his fellow citizens. He served in the Montana Legislature. He was an assistant State attorney general. He served on the Montana Supreme Court. And, Mr. President, for the past 25 years, this great Montanan served his State and Nation in the U.S. Congress—for the last 17 years as a Member of this body.

I am proud to have had the privilege of serving with this distinguished American. He was a man of the highest integrity and character. He brought honor and distinction to all his endeavors. He will be long remembered for his long and unselfish labor on behalf of protection of the wilderness, public education, and governmental reform.

Senator METCALF's passing is a great loss to all of us here in the Senate. It is a great shock to the millions of Americans who have benefited from his outstanding service. I extend my most sincere sympathy to Mrs. Metcalf and the entire family.

TRIBUTE TO SENATOR HUMPHREY

Mr. TALMADGE. Mr. President, our Nation has lost one of its greatest assets. The Senate has lost an articulate and effective leader. And, all Americans have lost a true and loyal friend.

I know I join the entire Senate in mourning the passing of our friend and colleague, Senator HUBERT HUMPHREY. He served so well and so unselfishly, and I will always cherish our association.

I was especially fortunate to have worked alongside Senator HUMPHREY on the Agriculture, Nutrition, and Forestry Committee where my friend from Minnesota characteristically labored with conviction and unlimited energy. He was an expert on agricultural exports. He was deeply involved in the food for peace program. Mr. President, there was no aspect of agriculture beyond the expertise of Senator HUMPHREY.

As we all know, however, Senator HUMPHREY's influence spread throughout all of America and into virtually every level of human endeavor. In his long and distinguished public service as mayor, Senator, and Vice President, HUBERT HUMPHREY contributed enormously in the fields of human rights, child nutrition, education, economic policy, national defense, and foreign affairs. He gave direction to our Nation when there was none. He gave hope to people who had none.

But, perhaps Senator HUMPHREY's greatest contribution and lasting monument was his extraordinary human qualities and values. In all his undertakings, Senator HUMPHREY was a man of dignity, honor, and the highest sense of duty. More than any other politician I have ever seen, Senator HUMPHREY practiced what he preached. He said what he meant and he meant what he said. He loved his friends and forgave his adversaries. He refused to yield in defeat, but nor would he gloat in victory. And, just as HUBERT's illness could not rob from

him his courage and good will, neither can it take from us his spirit. It lives deep in the hearts of millions of Americans everywhere. It is etched forever in the law books and in landmark legislation he championed. And, the spirit of HUBERT HUMPHREY and all he stood for will live, and prosper, in the generations yet to come.

Senator HUMPHREY was an American in every sense of the word, and he was proud of it. I, too, am proud that he was my countryman and I extend my deepest sympathy and best wishes to Mrs. HUMPHREY and the entire family.

SENATOR HUBERT HUMPHREY

Mr. JOHNSTON, Mr. President, with a deep sense of loss I learned of the passing of our colleague, HUBERT HUMPHREY. As much as any government leader in our time, he represented an idealism and energy that is rare among elected officials. He shaped much of the legislation—popular and unpopular—of the last 30 years. Above all, HUBERT HUMPHREY lived optimistically, setting his hope on the future of our country.

As we all know, HUBERT was a dominant figure in Democratic Party politics for three decades, including some of the most turbulent years of recent memory—encompassing assassinations of three national leaders, the civil rights movement, and the bitter division over the Vietnam war. HUBERT was always a champion of the common man, espousing the causes of labor and civil rights, the family farm, small business, health care for the elderly, and public job programs. Deeply impressed by the hard times of the depression, Senator HUMPHREY's political view was formed with special concern and empathy for victims of deprivation and discrimination.

In 1944, HUBERT joined a group of other young liberals to merge the Democratic and Farmer Labor Parties. At the same time, he was State campaign manager for President Franklin D. Roosevelt. His political involvement launched Mr. HUMPHREY into the mayoralty of Minneapolis in 1945 and again in 1947, during which time he established the Nation's first municipal fair employment practices commission.

HUBERT HUMPHREY came visibly upon the national scene in 1948 at the Democratic National Convention that year, where he led a dramatic and successful fight for a strong civil rights plank in the party platform, announcing,

The time has arrived for the Democratic Party to get out of the shadow of states' rights and walk forthrightly into the bright sunshine of human rights.

Senator HUMPHREY served in the U.S. Senate as a representative from Minnesota from 1949, when he defeated the incumbent, to 1964, at which time he was selected by President Lyndon Johnson as his running mate on the Democratic ticket. He had been reelected to the Senate in 1954 and again in 1960, and served as Senate Democratic Whip from 1961 to 1964. From 1948 on, HUBERT HUMPHREY was considered unbeatable in Minnesota. Of course, HUBERT also served his country as Vice President from 1965 to 1969. His term was an active one, and

he was instrumental in planning and implementing many of the Great Society programs.

Though HUBERT lost the Presidency in 1968 by less than 1 percent of the vote, he was not long removed from public life. He returned to the Senate in 1970, much to my pleasure. The country again had the benefit of his imagination and leadership, and I personally had the opportunity to know and work with him from 1972 when I first represented Louisiana here.

I watched HUBERT carefully in these 6 years, and was particularly impressed by his energetic chairmanship of the congressional Joint Economic Committee. When HUBERT was chairman, it seemed that the committee met every day. One week there were hearings on small business and its continuing role in the American economy. The next week there were oversight hearings on the energy crisis and its impact. The following week there would be a JEC report challenging the then Republican President's economic strategy. HUBERT was relentless. He believed that the economy was being mismanaged in the midseventies, and he used his chairmanship and the Joint Economic Committee to continually explore how to put Americans to work more quickly and to stop the inflation hurting everyone in this country.

I have also seen HUBERT as he managed bill after bill from the Foreign Relations Committee, where he chaired the Foreign Assistance Subcommittee. I will admit that he and I had our differences about the approach to American foreign aid. But I also listened with interest as he argued for this program to boost agricultural production or that program to provide better health care for the indigent in developing countries. Certainly HUBERT HUMPHREY was a citizen of the world—as proved by the outpouring of affection and sympathy from all nations at his death.

It was my privilege to work with Senator HUMPHREY on many issues. Perhaps most recently we worked together to strengthen the Close Up program, a program which brings high school pupils and teachers to Washington to study the political process in action. Senator HUMPHREY and I acted to increase funding for the Ellender Fellowships to finance Close Up participation for underprivileged students across the country. These fellowships have benefited many young people in our Nation today and enabled countless youngsters who would have never visited the Capital to spend time in Washington and to understand our democratic system. I know some participants in this program who were here because the Ellender Fellowships existed and because HUBERT HUMPHREY thought they were important as tomorrow's leaders.

During his few years out of public life, Senator HUMPHREY taught at Macalester College in Minnesota and the University of Minnesota, where he received his Phi Beta Kappa in 1939. He earned his masters degree at the Louisiana State University in political science, so Louisiana can take at least a small part of the credit for giving such a great and un-

usual man to our country. A fundraising "national tribute" dinner held in Washington on December 2, 1977, generated pledges and contributions of more than \$1 million for the Humphrey Institute of Public Affairs at the University of Minnesota, part of almost \$6 million collected to date.

In October 1977, the Senate held a special session of tribute to honor HUBERT, and in November Congress named the south portal of the new HEW building in his honor to commemorate his efforts on behalf of the needy.

These recent tributes reflect the themes dominating most of Senator HUMPHREY's career. In victory and in defeat he set an example of spirit that made him an inspiration to us all. His devotion to public service has set an example for all of us who served with him and continue in the Senate to which he dedicated much of his life.

SENATOR LEE METCALF

Mr. JOHNSTON, Mr. President, I was saddened to learn of the death of our colleague, LEE METCALF. LEE and I often worked together in the Senate, particularly on the Energy and Natural Resources Committee. Senator METCALF had served in the Congress for 25 years—in the House from 1953 until 1961, and in the Senate from 1961 until his death. His presence will be missed not only by his Senate colleagues and by his native Montana, but also by all who valued the work of this Western populist man for conservation, education, and the consumer.

A former assistant attorney general of Montana and a former associate justice of Montana's supreme court, Senator METCALF became a natural arbiter, helping to resolve committee differences and to reach consensus in the Senate. LEE was known for his fairness, strong sense of ethics, and good conscience.

Notable accomplishments during the Senator's House career included the defeat of a grazing bill to allow private interests to take over public lands and the defeat of a bill that would have given unwarranted privileges to timber companies. In 1958, he was coauthor of the National Defense Education Act.

In the Senate, LEE supported other educational programs, including the extension of the GI educational benefits to Vietnam veterans. He supported proposals to insure clean air and water, fair packaging and labeling laws for consumers, and measures to make Government more responsive. In 1973, he conducted hearings leading to passage of the Congressional Budget and Impoundment Control Act.

While many Americans were aware of LEE's active involvement in energy and natural resource issues, his chairmanship of the Subcommittee on Reports, Accounting, and Management of the Committee on Governmental Affairs was sometimes overlooked. This subcommittee, under LEE's direction, recently published a major report on the accounting profession in the United States. At his instigation, the profession was carefully scrutinized in order to determine its strengths while understanding its problems. This initiative was highly sig-

nificant, as the financial integrity of our Nation rests in large part on the accurate reporting of business activity. For that reason, LEE was concerned about the practices of the professional group entrusted with the fair representation of corporate results in this country.

Although Senator METCALF left much legislation by which he will be remembered, probably one of the best examples of his legislative perseverance was his sponsorship of the strip mining bill. After the bill was passed twice, only to be vetoed by the President, a strip mining bill was finally enacted on the third round. I disagreed with the concept of this legislation in many respects, but I respected Senator METCALF always as an honorable colleague and expert champion of his position. As a member of the present Energy Conference, too, he was well informed and willing to work with others.

Senator METCALF was a good lawyer, a good representative, and had a great feel for the common man. He set a good example for those of us who remain in the Senate, and his presence will be sorely missed.

HUBERT HUMPHREY'S "SPECIAL KIND OF GALLANTRY"

Mr. MCINTYRE. Mr. President, what more can be said about a departed colleague of whom so much has been said so well?

For those of us who knew HUBERT HUMPHREY and loved him—and we were legion—every phrase, every sentence of every eulogy, rang its own special note in our hearts.

Many said that while it was possible to dislike his politics, it was impossible to dislike the man. And who could dispute that?

The President called him the "most beloved American." And who can dispute that?

The Vice President said he taught us how to live—and how to die. And who can dispute that?

David Broder said he inspired a political party—the Minnesota Democratic Farmer Labor Party—that "is the Nation's greatest resource of honest, effective, and visionary political leadership." And who could survey Minnesota's contributions and dispute that?

James Reston said that while "he fought the battles of his age with fierce and often excessive partisan energy, he never failed to remember that he had to fight in such a way that when the particular legislative struggles were over, he had to go on living and working with his opponents on other issues." And who in this body could ever dispute that?

And finally, Archibald MacLeish put the touch of the poet to the quintessential HUMPHREY. "He had," he said "a special kind of gallantry." And who could dispute that?

So all of the right things have been said about HUBERT HUMPHREY by the people who could say them best, Mr. President. Those of us of more prosaic bent must then content ourselves with fervent amens and our own special memories of the man.

For myself, I confess to being selectively selfish. We were not always in agreement on the issues, the senior Senator from Minnesota and I. Nor were our political philosophies always in tune. But when I was up against it on the floor of this Chamber or on the campaign trail in New Hampshire, there was no colleague I wanted more at my side—and speaking in my behalf—than HUBERT HORATIO HUMPHREY.

It is consoling to know how much the richer we were for having had him with us for so many years. But it is devastating to consider how much the poorer we are for his passing.

God rest his great heart and gallant soul.

TRIBUTE TO HUBERT HUMPHREY

Mr. PERCY. Mr. President, few Americans in either public or private life ever championed as many human causes as HUBERT HUMPHREY. He often stood alone.

As mayor of Minneapolis, HUBERT early understood the destructive tension that existed between the races. Ardently and courageously, he supported far-reaching civil rights goals, a basically unpopular position to take at the time.

He carried on his work as a U.S. Senator. HUBERT played a key role in creating the Arms Control and Disarmament Agency as well as the Peace Corps. The passage of the Civil Rights Act of 1964 was a testament to his dynamic leadership as Senate majority whip.

Because he was the son of a middle-class working family and a man of sincerity and sensitivity, HUBERT understood firsthand the problems and concerns of his fellow citizens. He was a spokesman for the issues of human welfare, housing, health care and economic growth, issues that have a profound impact on the everyday lives of every American.

One issue of particular concern to HUBERT was the energy crisis, which he believed was one of our Nation's most important challenges. He displayed his sincere dedication to this crucial issue when he joined with me last year in founding the Alliance to Save Energy.

He once said about the alliance:

This could indeed be one of the most important contributions I have ever made.

As a Presidential candidate, HUBERT HUMPHREY carried his message and his record, simply and honestly, to the American people. It was then that he popularized "the politics of joy" and earned the title "the Happy Warrior."

HUBERT HUMPHREY possessed an indefatigable zest for life and a sense of humor that never failed him. He carried those rare qualities with him as he faced his debilitating personal health crisis.

As a statesman, HUBERT was second to none. He always told us just where he stood. He never feared confrontation. Representing no single interest or cause, HUBERT became an ideal in himself. He will occupy a unique position in the Nation's history.

HUBERT summed it up best when he gave his view of America's strength, saying:

The real strength of America is not in government. It is in America's businessmen, its

workers, its farmers, its professional people. It is in its wide array of non-governmental organizations—its churches, its civic groups, its trade associations and trade unions, its professional societies, its universities, and—not least—its political parties.

Surely the strength of America is personified in individuals such as HUBERT HUMPHREY. He demonstrated tremendous courage, tenacity, and devotion.

We will truly miss him.

TRIBUTE TO SENATOR METCALF

Mr. DOMENICI. Mr. President, I would like to take this opportunity to pay tribute to a distinguished colleague, the Senator from Montana, LEE METCALF.

Having worked closely with him on the Senate Energy Committee, his dedication and enthusiasm on projects and ideas he believed in never failed to impress me. His intellect and attention to detail were attributes highly regarded by his colleagues, myself included.

Although from different sides of the political aisle, Senator METCALF shared my concern for the consumer and the average American whose interests are too often lost to special interests.

The State of Montana and the Senate of the United States have lost a valuable asset.

TRIBUTE TO SENATOR HUMPHREY

Mr. DOMENICI. Mr. President, I would like to add my tribute to the many already recorded for a distinguished American and colleague, the late Senator from Minnesota, HUBERT H. HUMPHREY.

Senator HUMPHREY's courageous battles throughout his life and career were highlighted by his courageous battle against the disease that ultimately felled him. His tenacity in the face of adversity and staggering odds can serve as an inspiration to everyone.

His accomplishments in the areas of civil rights, full employment, social legislation, and fairness in an often unfair world marked him as one of the Nation's great leaders.

Senator HUMPHREY and I were from different sides of the political aisle, but he regarded no one as his enemy, only his temporary political opponent. If he lost the battle, he immediately rallied to the side of the victor, offering his services as a devoted and generous public servant.

Minnesota, the U.S. Senate, America, and the world will feel acutely the loss of one of the foremost leaders and public servants in U.S. history.

TRIBUTE TO SENATOR HUMPHREY

Mr. BIDEN. Mr. President, along with my colleagues in the Senate and millions of Americans from every corner of our Nation, I pay tribute to Senator HUMPHREY. His creative mind, irrepressible spirit and monumental legislative record represented what is best in our political process and what can be accomplished if one is willing to apply his talents to the fullest.

I was only 5 years old when HUBERT HUMPHREY first appeared on the political horizon as the young mayor of Minneapolis. The fact that he has served in pub-

lic life almost as long as I am old is testimony to Senator HUMPHREY's durability in a field where few men are able to dominate for even a fraction of the time that HUMPHREY stood in the forefront of political reform. Despite the changing times of recent decades, Senator HUMPHREY's legislative agenda continued to be fresh and relevant. His ideas never grew old because they were fundamental to the American goals of equal opportunity for all and equal justice before the law.

When I first came to the Senate in 1973, Senator HUMPHREY took me under his wing. He counseled me like a father. His boundless enthusiasm for politics was invigorating. It was at a conference in England in June of that same year that I first realized the "Happy Warrior" had as much substance as he did form. For it was in England that I saw the Humphrey intellect match wits with international leaders who were supposedly the experts in a particular field. Regardless of the subject, Senator HUMPHREY displayed an unforgettable array of knowledge that cut to the core of a problem.

His command of facts and sense of historical perspective enabled HUMPHREY to dominate discussions. Although the Humphrey spirit seems to be his hallmark, the Humphrey intellect, in my mind, was equally impressive. As I left that conference, I kept thinking how Senator HUMPHREY measured up to and surpassed each and every one of those international leaders who had gathered in England for that conference. And how many times since then, during debate on the Senate floor or committee discussion on legislative alternatives, or simply talking face-to-face, have I come to realize those rare intellectual qualities that Senator HUMPHREY possessed.

In life Senator HUMPHREY earned the reputation as the "Happy Warrior." In death, he left a legacy that is long and lasting. He was the father of aid to education the standard bearer for those who were poor and oppressed, and the inventor of legislation that opened voting rights to many Americans and public accommodation to those who had been deprived of their basic rights. These few specific accomplishments are but the tip of the iceberg for Senator HUMPHREY's lengthy legislative record places him at the top of the list of the 20th century lawmakers. Yet, the spark that ignited those legislative achievements was a resiliency to bounce back from defeat and disappointment. Senator HUMPHREY never let self-pity stand in the way of his drive to better his country. When he failed, he never withdrew. When he became stymied, he would regroup to make another charge again. In my opinion, it was his irrepressible spirit that fueled his many accomplishments.

Few men who hold positions of power gained the respect that Senator HUMPHREY gained in his lifetime. Perhaps this is because he always traveled the high road and never wasted his energies on vindictive deeds or comments. Or perhaps Senator HUMPHREY chose carefully what to fight for and in that fight,

seemed to champion a course that was, in the end, undeniably right.

As a friend and colleague, Senator HUMPHREY will be sorely missed, but he will not be lost to the routine of daily problems that will tax our imagination in the months and years ahead. Instead he exists in the Halls of the Senate and the conscience of his fellow countrymen and women, reminding us of the American dream, and the fact it can be realized if we are willing to pay the price.

IN TRIBUTE TO THREE OUTSTANDING MEMBERS:
SENATORS McCLELLAN, METCALF, AND HUMPHREY

Mr. NUNN. Mr. President, in the short space of 60 days, the Senate has lost three of its outstanding members: Senators John McClellan, LEE METCALF, and HUBERT HUMPHREY. The passing of these great men leaves a tremendous void in the Senate leadership.

SENATOR McCLELLAN

Senator McClellan's achievements over his some 40 years of service in the House and the Senate were enormous. Whether it be in the areas of national defense and security, appropriations, the strengthening of our criminal justice system, or in the improvement of government operations generally, Senator McClellan leaves a record of achievement, devotion to: The Constitution, the public welfare, individual rights, and hard work that have been of immeasurable benefit to the Nation—a record to guide this and future generations of Senators.

The record will speak for itself. Senator McClellan's will be one of the brightest and most constructive chapters in the history of the Senate. I think it important that we read this history and be guided in our judgments by what has gone before. Senator McClellan's career contains lessons in honor, devotion to the Nation, personal integrity, and commitment to principle for all of us who are privileged to serve here.

My real feeling at a time like this is a sense of loss—the loss of a wise counselor and good friend; the loss of the kind of steady influence Senator McClellan's presence brought to the Senate for so many years.

My closest association with Senator McClellan was as a member of the Senate Permanent Subcommittee on Investigations—which I am now privileged to serve as vice chairman. As everyone knows, some of the Senator's most outstanding work was done throughout his long tenure as chairman of the permanent subcommittee and of the Senate Select Committee on Improper Activities in the Labor or Management Field—popularly known as the Labor Rackets Committee.

Over the years, Senator McClellan's name became almost synonymous with Senate investigations.

No other chairman of a congressional investigating committee in the history of the U.S. Congress conducted as many hearings, heard as many witnesses and produced more substantive results than did Senator McClellan.

My association with Senator McClellan on the permanent subcommittee was a rare opportunity to observe his

unique qualities of leadership, courage, and compassion. Under his leadership the subcommittee maintained a standard of excellence in all of the investigations it pursued. The reputation the Senator achieved as our chairman stemmed from his patience, his dedication to duty, and his adherence to the rules of fair play.

Senator McClellan's ability as a cross-examiner was unequaled in the Senate. Unresponsive witnesses who appeared before the subcommittee quickly felt his wrath. His style was stern but fair. He was judicious in his approach. Friendly witnesses were subject to the same scrutiny as adversaries.

Senator McClellan's dedication to the task of exposing corruption in the labor and management field and fighting organized crime earned him national stature.

Under his chairmanship, the "Labor Rackets Committee" held hearings over a period of almost 3 years and was primarily responsible for enactment of the Labor-Management Reporting and Disclosure Act of 1959 (the Landrum-Griffin Act).

The select committee worked long and effectively in its 3-year life. Some 1,526 witnesses testified before the committee during 270 days of hearings. Their testimony covered 46,150 pages in 58 printed hearing volumes. Eight thousand subpoenas for witnesses and documents were served.

Based on the abuses it found, the committee, under the leadership of Senator McClellan, recommended legislation:

To regulate and control pension, health, and welfare funds;

To regulate and control union funds;

To insure union democracy;

To curb activities of middlemen in labor-management disputes; and

To clarify what was then a "no man's land" in labor-management relations.

The legislative purpose for which the select committee had been constituted was clearly achieved.

In 1963, Senator McClellan, as chairman of the Permanent Subcommittee on Investigations, also conducted extensive hearings into organized crime in the United States. These hearings—on nationwide television—gave the American people, through the testimony of Joseph Valachi, a detailed analysis of the workings of a major part of organized crime in the United States.

Mr. President, one could go on for hours recalling highlights of Senator McClellan's work in the investigative area. The important point to be made is that in all these efforts the Senator established and adhered to standards of thoroughness and fairness that should guide other Senators as we try to follow in his footsteps. His was an amazing record of concern for the well-being of America's working men and women. His exposure of abuses in the labor-management area, and the protective legislation that followed are important legacies, not only to unionism in America but to all of our people.

Equally significant in Senator McClellan's distinguished record of public service was his unrelenting effort on the

Judiciary Committee to revise and recodify Federal criminal law and to bring to the Nation's criminal justice system a new measure of consistency and purpose.

Senator McClellan labored mightily to accommodate the views of other Senators and to arrive at a consensus of Senate opinion as to how best to achieve the most monumental revision of our Federal criminal laws ever undertaken.

Senator McClellan died before this goal was achieved, but he did set the process in motion and, when the final revision is attained, this will be yet another monument to Senator McClellan.

John McClellan long ago gained bipartisan respect for his judgments, his devotion to constitutional principles, his personal integrity—his fairness and decency. He left his mark of greatness on the Senate.

He will be sorely missed, but has left us a rich legacy. The challenge for those of us who are privileged to carry on here is to continue to build on the foundations he laid and strive for the wisdom that marked his presence here.

SENATOR METCALF

It was my privilege to serve with Senator METCALF on the Governmental Affairs Committee and on the subcommittee he chaired: Reports, Accounting, and Management.

When I came to the Senate in 1972, one of my priorities was to push for congressional reform of the Federal budgetary procedure. I found many allies in this effort, but none more ardent in his support than Senator METCALF. At that time, Senator METCALF was chairman of the Government Operations Subcommittee on Budgeting, Management, and Expenditure. In early 1973, Senator METCALF conducted extensive hearings on several proposals, including my own, which addressed the revision of our budgetary process. It was these hearings which laid the foundation for the Congressional Budget and Impoundment Control Act which passed the Congress in late 1974. All of us owe a tremendous debt to our colleague for his wise and able counsel on this important legislation.

Senator METCALF's career in public service spanned 42 years of dedicated and conscientious attention to the needs and problems of his constituents. During those 42 years, he served as a State representative, assistant State attorney general, associate justice of the Montana Supreme Court, and Congressman from the first district—all before being elected to the Senate in 1960.

In the Senate, he has been a leading advocate of environmental legislation, leaving his imprint on the major conservation and environmental measures introduced over the past 20 years. LEE METCALF was one of the principal sponsors of such visionary legislation as the Clean Air Act and the Water Quality Act, and was constantly working to preserve our natural resources for future generations.

From the beginning of his congressional career, he worked tirelessly to extend Federal aid to public schools. He was one of the authors of the National Defense Education Act of 1958, the first

major Federal aid to education legislation since the Morrill Act of 1862. The landmark Elementary and Secondary Education Act of 1965 was also among his credits.

Much of the work LEE METCALF did to bring needed legislation to fruition was done far from the limelight of public attention. He was a knowledgeable and articulate spokesman on a wide range of major issues—from education, to energy, to the environment. His diligent work and broad expertise made him an invaluable member of the Senate, and he will be sorely missed.

SENATOR HUMPHREY

HUBERT HUMPHREY is a charter member of that relatively small group of truly great leaders which the 20th century has produced. With his passing he joins other giants of the Senate, including Richard Russell and Everett Dirksen, in a small elite fraternity of men who have shaped the destiny of this country in the tradition of our forefathers.

HUMPHREY, like Russell and Dirksen before him, was a man of tremendous personal discipline, unswerving courage, steadfast devotion to duty, and unbounded compassion and understanding for his fellow man. Of such ingredients, great leaders are made.

He was the kind of individual the poet Madeline S. Bridges had in mind when she wrote:

For life is the mirror of king and slave
'Tis just what we are and do;
Then give to the world the best you have
And the best will come back to you.

The life and the career of HUBERT HUMPHREY reflects that of a man who gave the best of himself every day—to his community, his State, and his Nation.

He enjoyed life, and was richly blessed in the life he led. All of us have been richly blessed by our association with him. It is for us here remaining to move forward in the spirit of hope, enthusiasm, and optimism of HUBERT HUMPHREY to tackle the great tasks which confront us. HUBERT would have wanted it no other way. We shall miss him—his advice, his wise counsel, his good humor—but his spirit will always be with us.

TRIBUTE TO SENATOR HUMPHREY

Mr. HUDDLESTON. Mr. President, it is impossible to express the sense of loss and sorrow that my wife Jean and I feel over the death of Senator HUMPHREY.

Millions of words have been spoken and written in the past few days about the great deeds and accomplishments of Senator HUMPHREY, and I will not attempt to reiterate or expand upon those worthy tributes.

Rather, I would like to say a few words about HUBERT HUMPHREY, my friend and colleague, and his wonderful wife Muriel.

I remember that shortly after coming to the Senate in 1973 I held an agricultural conference in Kentucky and I asked Senator HUMPHREY to be the keynote speaker.

Even then he was having health problems, and this was a particularly uncomfortable time. But he readily ac-

cepted and came to Lexington, and was, of course, a smashing success.

From that very first year until we adjourned last year, HUBERT HUMPHREY went out of his way to be helpful to me, a junior Senator who could never hope to reciprocate.

I, for one, feel much richer just from having known and served with HUBERT HUMPHREY; I feel much wiser from having listened to his counsel; and I feel much better about the condition of mankind knowing there was a HUBERT HUMPHREY among us.

It is remarkable that a man of such great love and compassion could advance to the very highest levels of our Government, then suffer great disappointment and physical pain, without ever becoming cynical or losing that essential goodness we all identify with HUBERT HUMPHREY.

There are so many lessons to be learned from HUBERT HUMPHREY's life and death: When you see injustice and wonder what can or should be done about it, think of HUBERT HUMPHREY; when you see opportunity, think of HUBERT HUMPHREY; when you get angry or suffer great disappointment, think of HUBERT HUMPHREY; and, yes, when the time of death arrives, think of HUBERT HUMPHREY.

HUBERT was indeed a man for all seasons; gracious and magnanimous in victory; good-spirited and without bitterness in defeat; and always in love with life.

Jean and I will miss him dearly, but we will fondly and frequently remember him for the rest of our lives.

TRIBUTE TO SENATOR METCALF

Mr. HUDDLESTON. Mr. President, one of the saddest things about serving in the U.S. Senate is that because of the nature of the institution you often become close friends with someone only to have that friendship interrupted by retirements, electoral defeats, or death.

We have all lost just such a friend in LEE METCALF.

I only served on committee with Senator METCALF for 1 year, and I was fortunate enough on a few occasions to work with him on legislation affecting my State. Without fail, he was always as helpful and accommodating as possible.

I think the public often gets the erroneous impression that all men in public life, and especially those in Congress, are hard-bitten, cynical, and somewhat uncaring.

LEE METCALF was the very opposite of all those things. He was essentially a very kind, gentle person who throughout his career maintained a compassion for and a desire to help the less fortunate.

Much like HUBERT HUMPHREY, he never became bitter and cynical—and he accomplished much good along the way.

We will all miss LEE METCALF. He was a trusted friend and colleague and an outstanding Senator.

EULOGY TO SENATOR HUBERT H. HUMPHREY

Mr. ZORINSKY. Mr. President, the struggles of HUBERT HUMPHREY were the struggles of our Nation to grow amid the challenges of the 20th century. The expanse of his interest and experience

seemed limitless. He spoke, and his words gave us vision, energy and hope whether the discussion concerned civil rights, economics, or foreign policy.

HUBERT HUMPHREY was a good and decent man—our friend. His compassionate and forgiving nature and his dedicated and tireless work became standards of measure. I am grateful for having known him.

It seems inconceivable that HUBERT HUMPHREY has left us. The institution of the Senate and the political life of the Nation are diminished by his parting, though forever enriched by his giving.

TRIBUTE TO SENATOR HUMPHREY

Mr. HATHAWAY. Mr. President, we knew for some time that our colleague HUBERT HUMPHREY was dying.

And we knew this because, characteristically, he insisted upon telling us of it.

His struggle with impending death was carried on with the same courage and unabashed optimism with which he always conducted his political campaigns and his legislative battles.

His feeling for the American people ran so deep, his relationship with them was so close, that the intimacy and dignity of his death was shared with all Americans and with the world. It was this open, unusual, exemplary conduct which caused Vice President MONDALE to conclude his remarks in the Capitol last week with the observation that HUBERT HUMPHREY taught us how to die.

HUBERT's great faith in our country and his hope for its future led him to describe and work for goals which at first often seemed impossibly lofty.

But he was more than just a poet expressing dreams. Articulating his visions of how the country could be improved, the goals became tangible and realistic because of the strength of his faith.

Like Governor Stevenson, HUBERT HUMPHREY believed that

What America needs and the world wants is not bombast, abuse and double talk, but a sober message of firm faith and confidence.

HUBERT delivered all of that and more.

In a difficult profession, he triumphed.

Andrew Oliver said in Boston nearly 200 years ago:

Politics is the most hazardous of all professions. There is not another in which a man can hope to do so much good for his fellow creatures. Neither is there any in which by mere loss of nerve he may do such widespread harm.

Nor is there another in which he may so easily lose his own soul. Nor is there another in which a positive and strict veracity is so difficult, but danger is the inseparable companion of honor. With all the temptations and degradations that beset the politician it is still the noblest career any man can choose.

HUBERT HUMPHREY enhanced the reputation of politicians because he escaped the occupational pitfalls of our profession, savored some of its most rewarding moments and, while conceding momentary sadness upon disappointment, was without bitterness, or self-pity.

Good ideas, sound solutions, improvements in the common weal—HUBERT HUMPHREY taught us that these are the things which survive defeat, endure and prevail.

Defeat did not diminish HUBERT's dreams for a better country. Many of his ideas, policies, and projects were at first defeated, only to become victories when his ideas took root in the minds of the people.

He knew that America became what it is not only because of the dreams of its people, but because those people had the will to act upon those dreams.

Even though we knew he was dying, it was impossible to prepare for the loss of his insight, his experience, wit, and wisdom.

We are, for the time being, at a loss without his articulate vision of America.

Robert Bly, another Minnesotan, speaks of loss, change, and adaptation in his poem "Surprised by Evening"; and I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

SURPRISED BY EVENING

There is unknown dust that is near us,
Waves breaking on shores just over the hill,
Trees full of birds that we have never seen,
Nets drawn down with dark fish.

The evening arrives; we look up and it is there.

It has come through the nets of the stars,
Through the tissues of the grass,
Walking quietly over the asylums of the waters.

The day shall never end, we think:
We have hair that seems born for the daylight;

But, at last, the quiet waters of the night will rise.

And our skin shall see far off, as it does under water.

TRIBUTE TO SENATOR METCALF

Mr. HATHAWAY. Mr. President, I would like to pay tribute to our friend and colleague, LEE METCALF, whose death last week saddened and shocked all of us.

It can be said of LEE that he was one of the few people who truly dedicated his life to public service. For 40 years, LEE held public office in one capacity or another. He had served the people of his State as a member of the Montana Legislature, as an assistant State attorney general, as a justice of the Montana Supreme Court, as a four-term U.S. Congressman and as a three-term U.S. Senator. This remarkable record of devotion to public service can be a source of great pride for both his family and the people of Montana.

Although his legislative achievements are many and varied, LEE is probably best known for his work in the area of conservation and environmental protection. Five major national environmental organizations recognized his distinguished service. But LEE METCALF also realized that environmental protection and economic development are not mutually exclusive. He sponsored Federal development of hydroelectric generation facilities in Montana, and the expansion of research and development of nonnuclear alternative sources of energy.

I personally will remember LEE METCALF for his superb book "Overcharge" which exposed the rate charging activ-

ities of private power companies. This book will long remain a prime source for anyone who investigates the electric power industry.

LEE METCALF was a devoted public servant who worked tirelessly for the public good and against the special interests. His intelligence, skill and friendship will be sorely missed by all of us who knew him.

TRIBUTE TO SENATOR HUBERT HUMPHREY

Mr. ABOUREZK. Mr. President, throughout his decades of public service in Government, HUBERT HUMPHREY earned the respect and admiration of people the world over. The vitality, quick intelligence and good humor he brought to every position, from his early days in city politics on through his career as Vice President and Senator, are legend.

Yet he never forgot his humble origins or the common people who first put their trust in him as a leader. Through the years he remained in close touch with those he knew from his early days in South Dakota. Literally thousands of South Dakotans still treasure him as a devoted friend.

He will be remembered as a man who loved his fellowmen of all races—and above all as a man who put this love into action to improve the lot of the poor and persecuted. His legacy remains the many laws bearing his name, laws designed to resolve social injustice and to heal the wounds of prejudice and poverty.

He died as he lived—with courage and without self-pity. He set an example we all can emulate, both in the energy and enthusiasm he brought to living and in the grace and dignity he brought to dying. HUBERT HUMPHREY will be sorely missed; he surely will not be forgotten.

TRIBUTE TO SENATOR LEE METCALF

Mr. ABOUREZK. Mr. President, with the passing of LEE METCALF, the people of Montana, South Dakota and of the Nation have lost a true and steadfast friend. He was a popular leader for whom populism was not a political slogan but a deeply felt commitment to the public interest, and he is distinguished by the vision, clarity, and intelligence he brought to bear upon a broad range of issues critical to the public welfare. Over the course of a long and notable career he addressed, among other matters, education, tax reform, health security, rural development, wilderness protection, and governmental reform, but his voice was singularly resonant and his commitment unmistakably clear on regulatory reform, energy development, and Indian affairs.

LEE METCALF was always in the forefront, and frequently alone, in fighting for public utilities that effectively served the public and for a regulatory process that was responsive to those whose interests are ultimately at stake. His advocacy of legal counsel and access to information for consumers has now been written into law, and his concerns for utility tax and rate reform, an effective national electric transmission system, and the development of municipal power stand as challenges for the future. He

was a staunch defender of public lands against exploitation by special interests and a champion of the public interest in formulating national energy policy.

Included in his conception of the commonweal was a sensitivity to the special needs and problems of Indians, and that sensitivity was translated into legislation for health care, education, and self-determination. For these achievements he is respected by all concerned for Indian welfare, and he will be fondly remembered by the many Indians to whom he was personally close.

As an outstanding individual and as a public servant with a unique sense of social justice, LEE METCALF is irreplaceable. Yet the issues he addressed are those of the highest order, those which are so crucial and so difficult that they are never fully and completely resolved, and we are now charged with bringing to our consideration of these issues a measure of his progressive and public-spirited orientation. His voice can never be imitated, but let us hope that something of its inflection, its searching and incisive tone, will continue to be heard in future deliberations. This would be the most honest and fitting tribute we can pay LEE METCALF.

TRIBUTE TO SENATOR HUBERT H. HUMPHREY

Mr. GRAVEL. Mr. President, in rising to praise our late friend HUBERT H. HUMPHREY, it seems that all our words have been used up when our feelings have hardly begun to be expressed.

We cite his compassion, his energy, his good will and good humor, his intelligence, his honesty, and his resilient courage—and it is not enough.

We praise his generosity, his optimism, his many achievements—and we seem hardly to have touched the man.

The truth is that our loss cannot be compensated by any recital of the qualities which we admired in Senator HUMPHREY, and we can only say how much he will be missed.

HUBERT HUMPHREY seemed immune to the temptations of pettiness and revenge. He will be missed in the Senate, where his very personality helped us to overcome the factionalism and the passions of the moment which, from time to time, can threaten to paralyze any democratic body.

Perhaps with his passing we need to recognize again, as HUBERT HUMPHREY did, the good will and the patriotic intentions of each of the Members of the Senate—to remember that, despite our differences of opinion, we are all seeking what is best for the people of this Nation and the world—to recall that Senator HUMPHREY's faith in democracy reflected his faith in the goodness of people, and that a body like the Senate cannot survive without that fundamental optimistic faith. HUBERT HUMPHREY, by his very presence, reminded us of this faith. Without him, it is incumbent on us more often to remind ourselves.

Senator HUMPHREY's sincere empathy for all people has been a gift to our country, and all citizens have reason to miss that quality, so evident in his campaigns and in all his work as a public servant. The Civil Rights Act, the Peace Corps,

and the food for peace program are all offspring of that understanding of the plight of others.

I would like to make special note of HUBERT HUMPHREY's dealings with Alaska and Alaskans. I believe he understood and admired the "pioneer spirit" of territorial Alaska, and he was an early supporter of statehood. He saw the great potential of Alaska—but more remarkable, he saw how much building there was to be done in the Nation's largest State before its potential would be realized. He saw very early the need for something more than simple exploitation of Alaska's natural resources. He saw the State's opportunity in terms of the needs of her citizens.

Perhaps Senator HUMPHREY's most prescient observation of Alaska was his early support of hydroelectric power in our State. Alaska, with her vast water resources, has the opportunity to draw the bulk of her energy from this non-polluting source. Of Alaska's rivers, Senator HUMPHREY said:

Their tremendous potential, one of the greatest of all Alaska resources, will in the future provide the power to turn the wheels of industry. This power is a vital and essential requirement for the development of Alaska as a whole and most of (her) resources. Let's move Alaska into the electrical age so that our biggest State can keep her rendezvous with her great destiny.

Today, we are in the first stages of realizing the hydropower potential of Alaska. The largest hydroelectric dam in North America is proposed for construction on the Susitna River, halfway between Anchorage and Fairbanks. I believe it would be appropriate to name this project after HUBERT HUMPHREY, and I intend to make such a recommendation at the proper time.

I ask unanimous consent to have two editorials, one from each of the daily Anchorage newspapers, printed in the RECORD. They record the affection for Senator HUMPHREY which Alaskans share with the rest of the Nation.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Anchorage Daily News,
Jan. 16, 1978]

OUR VIEWS: THE HAPPY WARRIOR

A man America loved and respected, but never quite elected president, is dead and the tributes to him are only just beginning.

Hubert Horatio Humphrey—HHH to the headline writers fought an unflinching battle against cancer as he fought his political battles all of his life.

His 66 years were filled with optimism and good cheer, two attributes that endeared him to the public. He had energy and drive, intelligence and wit. While working as a public servant he tried to uplift the people he represented rather than degrade or demoralize.

He served the public interest, and his standards and spirit will give that public something to remember and strive for again.

Although he never achieved the country's highest office, and he tried harder than possibly any other individual, he was accorded a final ceremony befitting of those who did attain the presidency.

Only 24 others have rested in the Capitol Rotunda, including Presidents Lincoln, McKinley, Kennedy and Johnson. Not only was Humphrey given that honor, but three who

have been President attended, including Richard Nixon who defeated him in 1968.

"He was the country's conscience," said Vice President Walter Mondale of Humphrey, a fellow Minnesotan.

"He was a wise and honest counsellor," said President Jimmy Carter.

Hubert Humphrey served in the U.S. Senate for six terms, was vice president and the 1968 Democratic candidate. He tried again for the presidency in 1972 but the nomination went to George McGovern.

Those who watched him and admired him gave Hubert Humphrey high marks for sportsmanship and stamina. They called him "the happy warrior." In victory he was ecstatic, but in defeat he bled, but never for long. He was able to look at the same set of facts and replace gloom with cheer.

There are many who think he should have been President, and that he would have been a good one.

Still, Hubert Humphrey undoubtedly will have a place in history nearly as high as if he had been President.

[From the Anchorage Times, Jan. 18, 1978]

HUBERT HUMPHREY

When Sen. Hubert Humphrey was laid to rest in his family's burial plot in Lakewood Cemetery in Minneapolis, there was a haunting echo of coincidence in the date that may have stirred a memory among old-time Alaskans grieving over the death of the former vice president and honored national leader.

The 66-year-old senator from Minnesota, victim of cancer after a gallant struggle in which the vibrancy of his personality was never dimmed, was buried Monday, Jan. 16.

Eighteen years ago on that exact date Hubert Humphrey was the featured speaker at the Democratic State Convention in Ketchikan.

From all over Alaska Democrats had gathered for what was forecast to be—and what turned out to be—one of the party's most rousing rallies.

The Democrats had much to celebrate. The meeting convened just 13 days after the first anniversary of Alaska's statehood. The joy and excitement of statehood was still very much a part of the fabric of Alaska. To borrow a phrase that has become the favorite buzzword of today, statehood was very much the lifestyle of Alaskans in 1960.

And the Democrats were firmly in control. They dominated the legislature. They held every elective office—that of the governor, the secretary of state, the two U.S. Senate seats and the state's only seat in the U.S. House.

The Ketchikan convention was like a birthday celebration for the happy Democrats. Statehood was a reality; their party was in control of Alaska's politics, the first presidential election in which Alaskans could participate was on the horizon.

And into this marched the happiest Democrat of them all—Hubert Horatio Humphrey, accompanied by his wife, Muriel.

William A. Egan, the former president of the Alaska Constitutional Convention and former territorial legislator from Valdez who had just completed the first year of his term as the first year of his term as the first governor of the state, hailed Sen. Humphrey as a man "whose support for the cause of Alaska statehood has never wavered over the years." And the governor added:

"It is more than remotely possible that the next president is here with us today—as our honored and distinguished guest."

"I AM AFTER THE VOTES OF YOUR DELEGATION"

And on that Jan. 16 of long ago—it was a Saturday, not a Monday—the Alaskan Democrats honored and distinguished guest was the principal speaker at the convention's main banquet.

The party faithful packed the Elks Hall and into that crowded gathering came Sen. Humphrey. There was nothing shy or reticent about him then, any more than there was in his later life.

"To come right out with it," he told the Alaskans, "I am after the votes of your delegation to the National Presidential Convention in Los Angeles."

And in pursuit of those nine votes, Sen. Humphrey talked about Alaska and its destiny. It was one of the longest political speeches ever delivered in Alaska—because that was Sen. Humphrey's way. His enthusiasm bubbled constantly as he talked, seemingly without an end in sight.

But the Alaskans loved it and they loved him.

The Republican administration in Washington, he said, had treated Alaska's resources "with a policy of neglect."

More than any other state of this great country, he said, Alaska "needs resource development, roads, transportation of all kinds." And he added:

"There are acres of diamonds under our feet if we can but only see them. Alaska is our great testing ground of what America can do in the emerging areas of the world."

Alaska's rivers, he proclaimed in the ringing voice that later became a national symbol of Democratic forcefulness, have the greatest hydroelectric potential in this hemisphere.

"Their tremendous potential, one of the greatest of all Alaska resources, will in the future provide the power to turn the wheels of industry," he said. "This power is a vital and essential requirement for the development of Alaska as a whole and most of your resources."

"Let's move Alaska into the electrical age so that our biggest state can keep her rendezvous with her great destiny."

A WEEKEND ON THE WATERFRONT

Sen. and Mrs. Humphrey spent all weekend with the Alaska Democrats. They browsed in the gift shops and purchased souvenirs for their children. They strolled in the rain, laughing and greeting happy children who scurried up to say hello. They were visibly moved by the grandeur of the forests and the shifting scenic panorama and the nearby mountain slopes. They walked along the waterfront and listened as the salt water slapped the pilings of the docks. They admired the fishing fleet and expressed amazement at the way the small craft moved in and out in the fog that lay low in the coves and channels.

In the course of political events, Sen. Humphrey did not win Alaska's nine national convention votes that year. The Ketchikan convention recessed for the start of the 1960 legislative session and when it resumed April 2 in Anchorage it voted to send its delegation to Los Angeles unpledged to any candidate.

In the political maneuvering of the national convention, Sen. Humphrey withdrew—his time not yet come for the party's presidential nomination.

The nod went instead to Sen. John Kennedy of Massachusetts and to him went Alaska's nine votes under the so-called unit rule which requires a unanimous vote for the person favored by a majority of the delegation.

In a caucus poll just before Alaska's vote was cast, 12 of the delegates from the 49th State—each casting one-half vote—favored Sen. Kennedy, including Gov. Egan and Sen. Ernest Gruening. Two delegates—Sen. E. L. "Bob" Bartlett and U.S. Rep. Ralph Rivers—cast their one-half votes for Sen. Lyndon Johnson of Texas. Two others—Rep. Helen Fischer of Anchorage and Lew Dischner of Fairbanks—voted for Sen. Stuart Symington of Missouri. The final two delegates, Richard

Greuel of Fairbanks and John McNeese of Nome, voted for Adlai Stevenson of Illinois. But Sen. HUMPHREY was not then or ever forgotten by Alaskans.

No less than others, Alaskans mourn the death of a man whose spirit and zest provided an uplift to America's political life.

As his great good friend Vice President Mondale said in a eulogy,

"He taught us how to win and he taught us how to lose. And, finally, he taught us how to die."

He failed in his greatest aspiration, to attain the presidency, but he achieved something even greater, the vice president said. He became "the most loved and most respected man in America."

Eighteen years ago this week Alaskans were provided with a glimpse of the man and his character and embraced him as one who recognized fully, even then, the true destiny of the 49th State.

TRIBUTE TO SENATOR LEE METCALF

Mr. GRAVEL. Mr. President, I would like to join my colleagues in expressing deep sorrow for the loss of LEE METCALF, the distinguished senior Senator from Montana. During his 17 years in the Senate, he became respected not only for his legislative abilities but also for his indefatigable good humor. Highly regarded and genuinely well-liked, LEE METCALF was a most effective advocate of the traditional Western populism of his native Montana.

Throughout his congressional service, LEE METCALF was a strong advocate of Federal support for public education. In 1965 he was a leader in passing the landmark Elementary and Secondary Education Act, the first legislation to provide massive Federal funds for public education.

LEE METCALF was also one of the earliest consumer advocates. In the 1960's he took the side of the consumers against the coal and power companies. Investigating and presenting evidence of exceptionally high electric utility rates, he brought pressure on the industry to end its monopolistic practices. In 1963 he joined in sponsoring legislation to establish a Federal office to handle consumer complaints. His support for consumer interests continued throughout his career with his cosponsorship of legislation in such areas as fair packaging and labeling, disclosure of the costs of consumer credit and warranty and standards performance.

In yet another area, conservation, LEE METCALF was identified as the people's advocate. Coming from a Western State with vast natural resources and scenic beauty, LEE METCALF appreciated the importance of preserving land for future generations. He has been a leader in developing wilderness legislation. He was especially active in the designation of the Lincoln-Sagegoat Wilderness Area, passage of the Montana Wilderness Study Act in 1976 and enactment of legislation creating the Welcome Creek Wilderness Area near Missoula.

His interest in my own State of Alaska and his understanding of the complexity and magnitude of the wilderness issues there, will be sorely missed in developing suitable Alaska wilderness legislation.

His leadership in advocating regulation of strip mining is well known. As

Senate floor leader, he led the debate for strip mining legislation in 1974, 1975, and finally in 1977, when the bill successfully passed both Houses and was signed into law.

LEE METCALF also had an active interest in the efficient use of our natural resources. In 1969 he conducted hearings on the problems of utilizing the minerals on the ocean floor. Then in 1971, he introduced the first Deep Seabed Hard Mineral Resources Act, to protect the Nation's interest in access to rich mineral deposits. Over the years, LEE METCALF's concern for developing hydroelectric energy resources resulted in Federal funding of the Libby and Yellowstone Dams in Montana. He was also active in encouraging research and development in nonnuclear alternative sources of energy.

Finally, LEE METCALF was a leader in governmental reform. In 1973 he conducted the hearings on proposals for strengthening control over the Federal budget. The following year, as a result of the hearings, Congress enacted the landmark Congressional Budget and Impoundment Control Act. Senate committee reform, televised Senate proceedings and many other reforms were supported by LEE METCALF in order to improve the effectiveness and responsiveness of the Federal Government.

At this time I wish to express my deepest sympathy to the Metcalf family. It was my privilege to have known LEE and I am grateful for the wisdom and warmth he brought to this body.

LEE METCALF: AN UNCOMMON MAN OF OUR TIMES

Mr. McGOVERN. Mr. President, I am one of the few Members of the Senate who has served with LEE METCALF in the House of Representatives. When I first came to the House in 1956, LEE was already a respected member of that body. During my early days in the House, I recall one of the senior members saying that Montana was substantially over-represented. When reminded that Montana only had two Congressmen he responded, "Yes, but on agricultural and interior matters, at least 95 Congressmen call LEE METCALF for his advice before they vote."

It was in those early days that LEE METCALF joined with other young liberal Congressmen to found the Democratic Study Group. This fledgling organization bloomed and is now considered by all of us as one of the established institutions in the House.

Though LEE METCALF will long be remembered in the Senate for his contribution to legislation associated with wilderness, forest management and natural resources, I feel it appropriate to recall that in his House service he developed a dedication and expertise in education and our school systems. I served with him on the Subcommittee on Education of the House Education and Labor Committee. There he fathered legislation giving aid to federally impacted areas. The original Murray-Metcalf bill, though it never became law, was the forerunner for what we now know as Federal aid to education.

With the resignation of Senator Murray, LEE METCALF came to the Senate in 1960 to become a harness mate with his life-long friend, Mike Mansfield. Together they advanced the position of Montana and the Nation. They also formed a parliamentary alliance that colleagues grew to know and respect. With LEE METCALF in the Chair and Mike Mansfield the majority leader, the parliamentary level on the floor was always under control.

LEE METCALF brought to the Senate of the United States all those intangible human ingredients that were bound to leave their sign on this body. He was marked from boyhood with that tradition of Upper Great Plains populism that grew out of an abiding concern for the common man. As a product of the Great Depression, his sensibilities were tuned to the downtrodden. Toughened by service in the Great War and fashioning the reconstruction of Western Europe through the establishment of the first civilian court system following the invasion of Germany, he came to government intellectually prepared by an early career in the law tempered by distinguished service as an associate member of the Montana Supreme Court.

I will remember LEE METCALF as a man who wore his heart on his coat sleeve and who told you what he thought with that straightforward blunt honesty that is all too uncommon in this slick age of papier mache virtue and talk that can be tuned in all directions.

But perhaps I shall remember him most for the straight arrow support he gave me in the 1972 Presidential election in Montana, where my candidacy fell somewhat short of the support Washington football fans give the Redskins. LEE won his own election that year narrowly, but I shall not soon forget how he stood for my candidacy at a time when it obviously was putting his own campaign in jeopardy.

In the U.S. Senate, LEE METCALF moved with grace and sureness and we should all be thankful for his presence and his friendship.

HUBERT HUMPHREY: SOUTH DAKOTA NATIVE, NEIGHBOR AND FRIEND

Mr. MCGOVERN. Mr. President, those of us who were raised in the dust bowl days of South Dakota in the 1930's, as was HUBERT HUMPHREY, have a special appreciation for the trials and tribulations that forged the character of this man who was to go on to such national prominence and leadership.

In fact, South Dakotans have had a life-long love affair with this tireless "happy warrior." Born in Wallace, educated in Doland and a businessman in Huron, S. Dak., HUBERT's roots were firmly implanted in the State from which he came.

We never lost our fascination, respect and affection for this most uncommon of common men who taught us that we could, with effort, make a better life for ourselves and our fellow humans.

In the early 1950's when the South Dakota Party was beginning to stir from its nearly two decades in the backwaters

of the political life of our State—it was always HUBERT who would come home to speak, to educate, to persuade—and, like the good neighbor he was—to lend a hand where it was needed; never neglecting his own chores in Minnesota and the U.S. Senate.

Those of us in South Dakota's Democratic Party who have enjoyed some measure of political success, have built upon HUBERT's rich legacy of what it really means to be a public servant.

I mourn him as a colleague, as a neighbor and as a dear friend. There perhaps will not be another man like HUBERT HUMPHREY, but those of us who have stood with him in so many battles and in support of so many worthwhile causes—must go forward as he would want us to. The continuation of his efforts for a better America may, ultimately, be his finest and most eloquent tribute.

Mr. President, so that all may know the feelings of South Dakota on HUBERT's death, I ask unanimous consent that my public comment as well as editorials from the Rapid City Journal, Watertown Public Opinion, Aberdeen American News, Mitchell Daily Republic, and Sioux Falls Argus Leader be printed at this point in the RECORD:

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Argus-Leader]

McGOVERN: HHH CREATIVE LAWMAKER

(EDITOR'S NOTE. This is a commentary by Sen. George McGovern on the death of Hubert H. Humphrey, his friend and neighbor for 25 years. It was released Saturday to the Argus-Leader.)

(By Senator GEORGE MCGOVERN)

Hubert Humphrey's death has silenced the most vital and eloquent voice in American public life. He was the most creative lawmaker of his generation.

He was my friend and neighbor for 25 years. His passing is a painful loss to me and to millions of other Americans. We loved him for his own inimitable love of life. He taught us how to live and how to die.

We are comforted now in the knowledge that he crowded half a dozen careers into one all-too-brief a life.

It is entirely appropriate that as a thoroughly public man, he died with the accolades of his countrymen ringing across the land.

Thirty years ago he called his fellow citizens to walk out into the sunlight of human rights. He made Minnesota a model of progressive politics. His leadership energized the force of liberalism across the Midwest.

He pioneered in the development of the Peace Corps, Food for Peace and the nuclear-test ban. His name now adorns a far-reaching proposal to put our nation back to work. Sometimes I have thought that Hubert Humphrey's life has been a testing ground for mine. Our lives have frequently moved along similar lines.

We were both born and reared in Depression and drought-scarred South Dakota.

We both educated ourselves to become college professors. We both felt the lure of prairie politics and eventually emerged as the presidential nominee of our party—Hubert in 1968 and I in 1972.

Although we were divided over the war in Vietnam and became presidential rivals for a brief time, the bonds of personal friendship survived that division.

It was not possible to hold a grudge against Hubert. He healed the wounds of political rivalry with humor and love.

During one decade—1956 to 1965—we were next door neighbors in Chevy Chase, Md., where our children grew up together, our wives visited daily and Hubert and I rode together to Capitol Hill.

As a freshman congressman in the 1950s, I was enriched by the warmth of this remarkable older neighbor and friend.

He helped us furnish our first Washington house with things he said his family no longer needed.

He knew the nicknames of every child in the neighborhood.

When he entered their sandlot baseball or touch football games, he did them the honor of trying to beat them or at least make everybody laugh.

Always, there was the joy of being alive, the love of his fellows, and his passion for public service.

Once, on a warm summer night, I heard him singing happily at 2 o'clock in the morning while he scrubbed the walls of his kitchen. On other occasions, he burned up surplus energy by sweeping out his garage well after midnight.

He seemed never to be tired or depressed, believing that work and politics and crowd reactions could cure any malady of body or spirit.

On another occasion, he left his Washington home sick with the flu and a fever of 102—simply to be introduced for a feeble wave to a waiting crowd he had been scheduled to address at a nearby hotel.

Instead, he orated for 45 minutes to a wildly applauding crowd and proudly announced when it was all over that his fever was gone and that he felt "just great."

I knew of no one else who was quite like him!

He was still exhorting us to be of good cheer when he died.

[From the Rapid City Journal, Jan. 16, 1978]
HUMPHREY DISPLAYED THE CHIVALRY OF GOOD WARRIOR

Much was written about Hubert Horatio Humphrey's bravery in the face of death. But it was not his view of death but his view of life that earned him respect and affection, even from his political opponents.

Although he fought for his ideals and his programs with sometimes excessive partisan energy, he never forgot that when the particular legislative struggles were over, he had to go on living and working with his opponents on other issues. He knew everything was subject to chance and change and he should always, if possible, avoid making personal enemies while fighting the issues that divided the nation.

The Happy Warrior from Minnesota, by way of South Dakota, had a way of criticizing and accepting criticism without showing personal resentment. It enabled him to win the admiration of his enemies for his character if not for his policies.

His character was forged in the hard times of small communities in South Dakota where he was born and lived his early years. That beginning made him sympathetic to the lot of the less fortunate, both in this country and abroad, and was the basis for the social legislation which he sponsored and fought for.

When it came to a struggle between the mind and the heart, Hubert's heart always won. Even when he lost, there were regrets but never rancor.

Hubert Humphrey struggled almost all the way to the top and lost. But he took his political defeats and his long and fatal illness in stride. He had wit and spirit, the spark and the spunk of life. Bitterness was not in him.

There was no malice in Hubert Horatio Humphrey, only the chivalry of a good warrior.

The poet Archibald MacLeish described Humphrey's quality as "a special kind of gallantry."

We can think of no better epitaph.

[From the Watertown (S. Dak.) Public Opinion, Jan. 14, 1978]

HUBERT H. HUMPHREY

America now bids a final farewell to Hubert H. Humphrey, a man whose almost boundless energy, unquenchable spirit and love for people took him from the main street of Wallace, S.D. to the vice presidency of the United States and almost to the presidency itself. It made him a national leader, a keystone figure in the U.S. Senate, and a man whom it was impossible to dislike. It will have left him among the great figures of American history.

Fate made Humphrey the victor in great political battles. It denied him the victory in his final battle yet it could not quell the upbeat spirit which made him stand apart—a fighter, an everlasting optimist, a man who could take defeat in good grace, victory with the humbleness of a true champion.

Watertown area people share many memories of Hubert Humphrey. It was not only that he was born at Wallace, grew up in Doland, and lived in Huron before beginning an illustrious political career. He never forgot nor forewent his origins and he returned whenever he could—to a summertime family reunion at Lake Kampeska, to the funeral of a relative at Lily, to a high school class reunion at Doland, numberless times to visit his aged mother in Huron.

It was characteristic of Humphrey that while returning from the funeral at Lily and with his plane waiting at the airport here, he insisted upon stopping a few minutes at Wallace, his birthplace. School was just out and youngsters flocked to see the famous visitor. There is an appealing picture of Humphrey standing in the center of a milling entourage of excited kids. The one smiling most broadly and obviously enjoying it the most is Humphrey.

Many years ago, the great Lou Gehrig of the New York Yankees also spent his final weeks with a known terminal illness. A now-forgotten sports writer interviewed Gehrig and later wrote this paragraph:

"One must talk with him, laugh with him, learn to know him, to get even an inkling of the way a real sportsman stands up under one of the worst beatings a man can take."

Humphrey took that kind of beating at the end but surely no one ever stood up with more courage or more unflinching spirit. In the best sense, he was a sportsman.

One of the many Associated Press stories filed upon his death carried this lead:

"Not one to wallow in self pity, Hubert H. Humphrey in his final days never gave up hope."

Nor did his thousands of friends even as the inevitability of the outcome became more obvious day by day. With him there was always hope.

One of America's great men has passed from the nation's scene. He will be missed, partly because of the heights he scaled in an illustrious political career but mostly because of his unflagging high spirits and unmatched charisma with his fellow man. That was Hubert Humphrey.

[From the Aberdeen (S. Dak.) American News, Jan. 15, 1978]

HHH HAS BEEN STATE'S MOST FAMOUS SON AND SOUTH DAKOTANS ARE PROUD OF HIM

Some of the last telephone calls made by HUBERT H. HUMPHREY, who died at his Waverly, Minn., home Friday night, were to former schoolmates and his favorite school teacher at Doland, S.D.

He told them then as he had in previous conversations that there was something about growing up in Doland during the depression years of the 1930s that set the course of his life.

Memories of living in Doland, working in the family drug store and graduating from high school there were cherished.

That speaks well for Doland and for South Dakota.

In way of reciprocation South Dakotans have cherished memories of HUBERT H. HUMPHREY too.

His idealism, his active encouragement of civil rights and human rights, his enthusiasm, optimism and effective oratory combined to make him a moving force in government and engendered loyal followers from many sectors of American life.

His bravery and unwillingness to say quit in his battle for life added to the characteristics that endeared him to the people who favored the government goals which he advocated and for which he devoted the greater part of his adult career.

Although other South Dakota native sons have distinguished themselves in government and in other fields of endeavor none has achieved the national and world acclaim that was given HUBERT H. HUMPHREY in the final months of his public service.

There were many highlights in the life of the South Dakotan who built a sphere of influence as a U.S. senator, as vice president of the United States and as a seeker of the presidency in four campaigns.

The good he accomplished will be recorded in history. And South Dakotans will give him due credit.

[From the Daily Republic, Jan. 17, 1978]

HUBERT HUMPHREY

Hubert Humphrey never accomplished his highest goal, the Presidency, but to a nation and to the world, the Humphrey influence in the building of this nation will be comparable to that of Presidents.

For three decades, the Happy Warrior from Minnesota gave this country a conscience and a leadership in the various positions of government he held—mayor, senator, vice president and a return to the senate.

When presidents looked to the senate for key support for their programs they looked to Humphrey, knowing his influence was such that he could generate the kind of support that was needed to bring success to Administration programs.

South Dakotans hold him up as a model citizen of this state, and for special reasons, he was often called our third senator. That particular love he held for his home state was gratifying to its people, for here was a man who never forgot his heritage and never sidestepped an opportunity to do something extra for the people of South Dakota.

His presence, his leadership, his knowledge of government, his joyful approach to politics and his sincerity in dealing with his constituency will be sorely missed by this nation.

That dedication and that personality brought him respect of a bipartisan nation.

His failures were often the topic of second guessers when it came to analyzing his loss to Richard Nixon in a bid for the Presidency in 1968. The failure to break with President Johnson on the Vietnam War was probably the crucial factor in his defeat, yet he never alibied for his strategy.

His colleague in the senate and now Vice President Walter Mondale once said of Humphrey, "As I traveled around the country, I was overwhelmed at the love the people of this entire nation had for this marvelous man." It was that assessment, some feel, that led Mondale to give up his presidential bid in 1976 in favor of Humphrey. But a tired

and worn Humphrey declined the third try clearing the way for the nomination of Jimmy Carter and the eventual naming of Walter Mondale as vice president.

The nation is richer for having had the benefit of Humphrey's presence, but poorer for never having the opportunity to draw on it again.

With gratitude to Hubert Humphrey, we bid farewell to a great man.

[From the Argus-Leader, Jan. 16, 1978]

A LEGACY OF CHEER AND OPTIMISM

It's hard to realize that Hubert Horatio Humphrey, South Dakota's most famous native son, is gone.

Americans have known for months that the "Happy Warrior" was fighting a losing battle with cancer. He probably knew it, too, but it didn't dampen his optimism or his fighting heart.

There will never be another HHH. In nearly 30 years on the national scene he made major and far-reaching contributions to civil and human rights and to almost every facet of American life. Through it all, he never forgot his native South Dakota even though Minneapolis and Minnesota were his springboard to national fame. The residents of the state in which he was born saw him in the irrepressible and boundless energy of his political youth, saw him reach for the presidency many times and never attain it, saw him as a humanitarian vice president and senior senator, saw him in victory and in defeats.

Through it all, in office and out of office, Humphrey was the eternal optimist. He could look back to dust bowl days in South Dakota and quip about the problems of the future being challenges for man to use as opportunities.

He could rouse Democratic crowds at major state political meetings at the Sioux Falls Coliseum from 1948 when he was campaigning for President Harry S. Truman to 1964, when his party was celebrating his election as vice president.

Humphrey narrowly missed being elected president in 1968, which must have been one of the greatest disappointments of his lifetime. He lost to Richard Nixon. Many Americans believe Humphrey might have won, if he'd taken a stand on the Vietnam war against the policies of President Lyndon B. Johnson. Humphrey wouldn't do it.

Sen. George McGovern, a longtime friend and protege of Humphrey, confounded the political experts by winning the Democratic nomination in 1972. In doing so, McGovern defeated Humphrey, and effectively ended the Minnesota senator's hopes to become president. Humphrey was back in South Dakota that fall, campaigning for McGovern and also for Rep. James Abourezk, then running for his Senate term.

In numerous trips to South Dakota, whether on the campaign trail or to see his mother in Huron while she was living, Humphrey remembered the areas and the state from whence he came: Wallace, where he was born May 27, 1911; Doland, where he lettered in sports despite a scrawny frame, achieved state fame as a debater and graduated as valedictorian of his high school class; and Huron, where he worked in the family drug store.

During the 1964 campaign he was pictured in Huron making a cash sale at the Humphrey Drug store, in which he owned an interest. He also put up a prescription for old time's sake. He portrayed himself as the only national candidate who had part of a drug store in South Dakota. "I might as well put in a commercial here . . . when you're in Huron stop at the drug store." After election as vice president, he picked up a bottle of aspirin at the drug store and said, "I might need a lot of these."

He was a fast-talking campaigner and public servant. The ideas spilled out of Hubert Humphrey in torrents. He was never at a loss in political repartee or even when heckled. Youths for Sen. Barry Goldwater, the Republican presidential candidate in 1964, heckled Humphrey at the National Corn Picking contest near Sioux Falls chanting, "We want Barry." Humphrey retorted: "My young friends, I don't know if you want strawberry or raspberry . . . Besides, the berry picking season is over."

During that Sioux Falls stop he and Goldwater crossed paths at Joe Foss Field. The two shook hands and exchanged pleasantries. Humphrey said later that he wished Goldwater well, but not too well. Johnson and Humphrey swamped Goldwater and Rep. Edward Miller of New York. The winners carried South Dakota, which normally was still a Republican state then.

As vice president in 1967 Humphrey told a graduating class at South Dakota State University, Brookings, that like Thomas Jefferson, he liked the dreams of the future better than the history of the past. He foresaw a world of the year 2000 in which personal income would double, disease would be virtually eliminated and man would have more leisure time. He foresaw the world avoiding nuclear war and thought the United States and a greatly changed Russia would be cooperating partners. In his view, the world would not be Utopia, but highly livable. He saw only one-eighth of mankind hungry in the year 2000, compared to two-thirds in 1967.

Humphrey made that trip to Brookings because his nephew, Ralph Gosch, was graduating with a degree in pharmacy from SDSU. Humphrey was given an honorary doctor of science degree.

He also gave the commencement address at Doland's new gymnasium in May 1968. He told the graduates that they couldn't relieve the yesterdays. "Tomorrow is here, exciting and challenging, full of crisis and yet it's just as filled with promise and hope . . ."

Hubert Humphrey's last tomorrow brings a sigh and tears for Americans. There are condolences for the family—especially for the onetime Huron girl, Muriel Fay Buck, whom he married in Huron and who was his No. 1 political backer. Humphrey once said of her helping him through the University of Minnesota: "Long before there was a federal scholarship program, I married one."

In a recent interview, Humphrey was asked what lesson he'd learned from life. He replied "that there are some things over which a man has no control . . . when you're young you feel that you can conquer almost anything." About his illness, he said, "It's not what you've lost. What counts is what you've got left. And I've got a lot left."

What Humphrey left to America is hope, boundless good cheer, optimism for the future and confidence that tomorrow will bring the best of times. The tributes and the honors that have come to South Dakota's most famous native son are well deserved. It is not possible to recite them here.

The nation and the world are a better place because of Hubert Humphrey. South Dakota can take pride in his career and in his roots. His ties to South Dakota were an inseparable part of the "Happy Warrior" and his lifetime of service and help to his fellow man.

A TRIBUTE TO SENATOR HUMPHREY AND SENATOR METCALF

Mr. SASSER. Mr. President, I want to take this opportunity to join my colleagues in paying tribute to two late Members of this distinguished body—Senators HUBERT H. HUMPHREY and LEE METCALF.

For three decades HUBERT HUMPHREY fought with passion and dignity for those

principles which have long made our Nation great. Whenever his name is mentioned, HUBERT HUMPHREY will be remembered for his courage and willingness to lead the American people to support just causes, no matter how unpopular that cause might be.

HUBERT HUMPHREY was an articulate and brilliant, and most importantly, compassionate man. Never was HUBERT HUMPHREY afraid to state his dedication and personal commitment to providing every American with the opportunity to earn a decent and respectable role in life. He demonstrated his true compassion in individual cases of injustice, as well as in widespread occurrences of discrimination. For this, he earned the respect and admiration of millions of people throughout the world.

Although I served only 1 year in the Senate with HUBERT HUMPHREY, I shall never be able to forget the example he has set for all of us. In a time when too many people believe elected officials seek only personal gain, HUBERT HUMPHREY demonstrated on a daily basis that we still have leaders who are willing to make tremendous personal sacrifices for the betterment of society. And in a time when too many express frustration and despair over the state of our Nation and the ability of Government to carry out its responsibilities, HUBERT HUMPHREY's optimism and zestful pursuit of a better world uplifted our spirit and gave us confidence.

The Senate and the Nation have lost one of their greatest leaders, but the tradition of HUBERT HUMPHREY will long be a force in American life.

To compound the sorrow we all feel, every Member of this body is also deeply saddened by the death of our friend and colleague, LEE METCALF.

As a new Senator last year and a new member of the Governmental Affairs Committee, I was especially privileged to have served with LEE METCALF. His committee work was always outstanding and earned him the respect of every Member. He could always be counted on to attend meetings and to speak up for the causes in which he believed. We knew that, when LEE METCALF supported a bill, he would be there at the hearings and the markup to lend his expertise and influence.

Senator METCALF was not one to seek publicity or to ask for praise. He went about his work quietly and diligently, always fighting for the underdog against concentrations of power. He had a conscience and he was a dedicated legislator. In education, on energy, on the environment, he provided a strong voice and we will miss his leadership.

While it is Senator METCALF's legislative accomplishments that are now foremost in our minds, I will remember him as President Carter did in his state of the Union address, as a "good and honest man."

Our sadness at the deaths of HUBERT HUMPHREY and LEE METCALF will surely be overshadowed in time by the profound influence their careers will have on others in public service and on the course of this Nation in years to come.

A TRIBUTE TO SENATOR HUMPHREY

Mr. HEINZ. Mr. President, I want to express, on behalf of my constituents and my family, the deep and heartfelt sense of loss and sorrow we all share at the passing of HUBERT HUMPHREY.

In his lifetime, Senator HUMPHREY enriched the spirit of this Nation and nurtured its capacity for compassion and justice. For that, we are eternally grateful. In his death, he leaves us with a boundless legacy of hope, confidence, and love. And for that, we are eternally blessed.

During his more than 30 years in public life, HUBERT HUMPHREY enlightened us with his wisdom, uplifted us with his faith, and strengthened us with his courage. We are immeasurably poorer because he no longer walks and works among us, but even now the light of his example illuminates our way.

LEE METCALF

Mr. PERCY. Mr. President, I would like to add to my previous comments about one of our former colleagues. The death of LEE METCALF robs the Senate of one of its most gentle and kindly men. Senator METCALF was a man who could think no evil of others and always went out of his way to find the good in his fellow man.

But LEE METCALF was also a battler for those causes which he thought were right. Whatever cause he became involved in—public utilities, the environment, or others—he always defended vigorously the rights of the individual. He believed that the resources of this country—both material and human—should be preserved for future generations for the benefit of all Americans.

I have had the pleasure of serving for many years on the Governmental Affairs Committee with LEE METCALF. He has taken major positive roles in the work of the committee—creating the Congressional Budget Act, protecting the rights of privacy of all Americans, and all the energy reorganization work the committee has done including the creation of the new Department of Energy.

In recent years I worked most closely with him on his vigorous oversight of the Federal Advisory Committee Act which resulted in the reduction of several hundreds of Federal advisory committees. The work of the present administration in this regard is but an extension of the work Senator METCALF began several years ago.

This past year Senator METCALF focused his energy on the accounting profession and began the first serious inquiry into the profession in decades. The work Senator METCALF has already done has led to a new spirit of self-reform within the profession and to more active involvement by the Securities and Exchange Commission. I certainly intend to keep this work alive in the committee and to follow through on Senator METCALF's initiative.

Mr. President, one of the men in this city who most admired Senator METCALF was Admiral Rickover of ERDA. I would like at this point to read Admiral Rickover's tribute to Senator METCALF as I think it captures his essence beautifully:

TRIBUTE BY ADMIRAL RICKOVER

Emerson put it simply, "The only true gift is a portion of thyself." Senator Lee Metcalf will be sadly missed by his many friends, but his accomplishments in his twenty-five years of dedicated service in Congress will remain a true memorial to a man who worked long and hard in the best interests of his state, his country, and for all those who knew him.

Senator Metcalf gave his brilliant gifts of unwavering honesty, sturdiness of character, and staunch love of American ideals without hesitation, and they were gratefully received by those who realized their depth and uniqueness. He was an example of a man faithful to his own responsibilities and, if intelligence is the art of illuminating a subject by binding together aspects that others had not yet linked or sought out, he was profoundly intelligent.

He not only succeeded in making sense of experiences in a troubled era without despairing, he insisted on changing the shape of the environment that pressed upon him—before it was the "popular" thing it has now become. In education, he emphasized the need for science, technology, and languages in this country if it was to survive in the world of advanced scientific knowledge and overpopulation. In other words, he was a man ahead of his time. He divined the true goal in a complicated situation and steered his course for it with unerring accuracy.

It is difficult to express all I learned to admire in him. The main thing he instilled deep into my mind was his peculiar passion for truth, clarity, and common sense. It is only through the intense efforts of such men that our form of government will be preserved.

Mr. President, I agree totally with the thoughts expressed by Admiral Rickover and am deeply sorry that LEE METCALF will no longer be with us to carry on his important work.

TRIBUTE TO SENATOR LEE METCALF

Mr. BAYH. Mr. President, it is with great sadness that we mark the death of one of the best and most disciplined intellectuals in Congress. While rarely in the limelight, LEE METCALF diligently devoted his time and energies to the issues that are only now getting the attention he believed they deserved.

Born and raised in rural Montana, he obtained his law degree from Montana State in 1936. He served as assistant attorney general, and following combat service in World War II, completed a 6-year term as associate justice of the Montana Supreme Court. It was during his assignment as assistant attorney general that LEE METCALF developed a strong belief in expanded representation of the people before Federal and State agencies. Likewise his Supreme Court experience in Montana left him with a love for the law and the adversary process which he carried with him to the House and Senate of the United States.

Although he shunned publicity, LEE METCALF etched a deep impression on the House where he served for 8 years before coming to the Senate in 1961. He sought House reforms which enabled the new and younger House Members to better represent the people who elected them. In addition, he devoted unusual resources to serving his constituents in Montana.

The distinguished Senator from Montana left his mark on this body where he has at times been one of the few torchbearers for the tradition of outspoken

Western progressivism. It was here in the Senate that he continued to be a strong advocate of increased access to information about Government and expanded representation of the people. This interest led to legislation reforming Federal advisory committees. The Senator was an early leader in reform efforts which led to the Congressional Budget and Impoundment Control Act. As a strong advocate of wise use of our natural resources, Senator METCALF advocated surface mine reclamation legislation which would bring a balance between the need to protect the environment and development of coal resources to meet our national energy needs.

None of our colleagues has done more to champion the interest of the average citizen.

We will all miss him. We have suffered a great loss with his passing. I extend my deepest sympathies to his wife, Donna, and other members of his family.

A TRIBUTE TO SENATOR METCALF

Mr. ROTH. Mr. President, when Senator LEE METCALF passed away recently, the Nation lost a good friend. We will long remember LEE as a leader in protecting and preserving America's public lands for our future generations. Long before it was popular to do so, LEE was a staunch advocate of consumer protection. His efforts on behalf of America's consumers will live long after him. More recently, he struggled tirelessly and effectively to enact comprehensive energy legislation.

I will miss Senator METCALF—both as a friend and a colleague. No Senator worked harder. Unlike many politicians, LEE avoided the public spotlight, preferring instead to bring about accomplishments quietly and effectively out of the limelight.

Having been raised in Helena, Mont., we often talked and reminisced about the State's natural beauty. LEE's one wish was to return home to Montana. And now he has finally returned home to his beloved State—the State that he represented for over a quarter of a century in the U.S. Congress.

The man from Montana had a heart as big as the Big Sky Country itself. I remember he was always eager to be of help and would often go out of his way to assist me.

Now there is an empty chair in Washington, in politics and in the hearts of his colleagues and constituents. We are all saddened by his untimely passing.

Yes, the Nation lost a good friend when LEE METCALF passed away. It was my honor and privilege to have served alongside him in the Senate of the United States.

We shall all miss him.

A TRIBUTE TO SENATOR METCALF

Mr. HATFIELD of Oregon. Mr. President, the Senate, the people of Montana, and the Nation have lost a dedicated public servant with the death of Senator LEE METCALF. I have had the good fortune to serve on the Energy and Natural Resources Committee, formerly the Interior and Insular Affairs Committee, with Senator METCALF. His leadership and attentiveness there resulted in con-

crete improvements in the laws which govern the uses of our Nation's resources. Last year, the enactment of new surface mining legislation was due, more than anything else, to LEE METCALF's hard work. Passage in the Senate of the Montana wilderness bill is another example of Senator METCALF's diligent efforts to protect the Nation's natural heritage, often against overwhelming odds.

But more important than his many legislative accomplishments are the personal qualities which endeared LEE METCALF to those of us who had the opportunity to know him. His sense of fairness, which marked his distinguished career as a jurist, was always evident in the manner by which he dealt with people. He was a compassionate man, who would not hesitate to take on the powerful to help those who were without power. His untiring and persistent efforts on behalf of the causes which he espoused made him an extremely effective Member of this body. Yet, I believe that rather than hear words of praise for his deeds, LEE METCALF took satisfaction in knowing that his efforts resulted in a real and constructive change.

With the loss of LEE METCALF, the Senate loses a Member who was vitally concerned about its ability to deal effectively with the many and complex issues which face the Nation. I want to join my colleagues in expressing my sorrow to his family.

A TRIBUTE TO SENATOR HUMPHREY

Mr. HATFIELD of Oregon. Mr. President, while we knew HUBERT HUMPHREY's days on Earth were but few, none of us actually believed he would leave us, nor were we prepared for the void in our lives which was to follow.

From the beginning of his political life, HUBERT HUMPHREY was a fighter, a strong voice for those who had been crying out in vain. The causes to which he dedicated his efforts were the causes of decency and compassion, of equal opportunity and of love. He will be remembered as a man whose actions and conversation were ruled by the heart in an era marred by political motives that often are self-serving.

But most of all, HUBERT HUMPHREY strove to uplift our spirits, to renew our faith in our system of government and our people and then motivate us to plan our course for the future.

A FRIEND OF AGRICULTURE

Mr. CLARK. Mr. President, Senator HUBERT H. HUMPHREY was truly a friend of those who toil in the vineyards of agriculture in virtually every corner of the world.

It was as an ailing statesman that he battled to gain American wheat producers an extra nickel in target price payments in the farm bill conference this past summer.

It was as a vibrant visionary that he worked to redirect U.S. development policies that he believed were working to the disadvantage of small farmers in remote corners of this planet.

Indeed, HUBERT HUMPHREY, a product of the Great Plains, was a friend of farmers—around the world.

It comes as no surprise to me that HUBERT's last speech dealt with the issue of world hunger and what role the land grant institutions of this great Nation could play in eradicating this age old nemesis.

The occasion was the International Symposium on Famine Prevention which was held this past December 19. I was very proud to participate in this conference which Senator HUMPHREY cochaired with Congressman PAUL FINDLEY.

This symposium had a very important purpose. It was to discuss the implementation of title XII to the Foreign Assistance Act of 1975.

Senator HUMPHREY authored title XII, the so-called famine prevention title. The objective of that legislation is to see the application of the profound capabilities of our land grant institutions in solving the problem of world hunger.

The theory behind title XII is that land grant institutions, which were and are at the forefront of the development of American agriculture, could play a meaningful role in combating hunger.

As always, HUBERT's comments touched me. He spoke that day as the leader he has always been.

He emphasized the fact that small farmers hold the best hope for the hungry of the world.

He wisely and accurately pointed out that people must have dignity to live a full life and that to keep them as supplicants would only doom their tomorrow.

HUBERT HUMPHREY was never afraid of a challenge. He was never afraid to innovate, to offer something new when familiar mechanisms for coping had failed.

HUBERT and I sat side by side on the Agriculture Committee for the past 5 years, and on both the Foreign Relations Committee and the Senate floor for the past 3 years. He taught me so much. Tirelessly he fought for the cause of America's farmers. His devotion to promoting the interest of farmers was and always will be inspiring to me.

HUBERT gave his heart to his country. In examining his accomplishments and devotion to duty it is too easy to pass over his relationship to world agriculture.

HUBERT never forgot his roots in the South Dakota prairie. He never forgot that agriculture is the backbone of any economy, no matter how developed.

No one can do justice to HUBERT and his commitment to farmers. But I think that we all can benefit from his example. I would like to share his parting comments, his speech before the famine symposium, with my colleagues. Mr. President, I ask unanimous consent that Senator HUBERT H. HUMPHREY's comments before the International Symposium on Famine Prevention be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR HUBERT H. HUMPHREY

Mr. President, very distinguished members of the diplomatic corps from many nations, fellow citizens and my colleagues in Congress: the man I want to salute first, with all the sincerity that's in my heart, is Paul

Findley for his leadership in making the Famine Prevention Act, the amendment to the Foreign Assistance Act of 1975, a reality.

Paul called me and asked if I'd be willing to join him. I said, "What's it all about?" We talked it over and I said, "Join? I'm your partner. There is no way that you can push me aside. I'm in with you and we'll pass it."

Then we got busy. Those of you who are members of Congress and those of you who are observers of the Washington scene know that it's not easy to pass within one year a major piece of legislation. But we got it done.

The reason is quite simple. The American people understand what President Ford just said—that the basic human right is the right to food, to life. There is no liberty without life and there isn't much life without liberty. And there is little pursuit of happiness if there's hunger. So the Famine Prevention Act is within the spirit and heritage of this vast land of ours.

Those of you who have traveled throughout America know that the Almighty has blessed us with a variety of climate and land such as hardly another spot on earth can claim. So we owe much, because we've been given much. We've been given, by Divine Providence, the resources to be of help to others as well as to ourselves.

I might also note that what we call Food for Peace was a bipartisan effort. Food is not partisan matter. The late Andrew Schoepel, a Kansas Republican, and I teamed up to pass what is known as Public Law 480, Food for Peace. The lives of hundreds of millions of people were saved because of the vast supplies of American grain and other food products which were used to meet emergencies in country after country.

The food that was available under Public Law 480 also has helped build roads, schools and irrigation and health facilities.

In ancient days the kings used to look around for the scientist of that time that could base metal of any kind and convert it into gold. They called him an alchemist. They'd lock him up in the tower and say, "Now here's a stack of iron ore. Change it into gold."

Well, we finally found a way to take a ton of grain and change it literally into gold—into health, into nutrition, into education and into facilities that make life a little better for millions and millions of people.

The Famine Prevention Act philosophy is a matter of sharing, not giving. And President Ford in his own inimitable manner, who always speaks to us directly and with great honesty and sincerity, has reminded us that the Famine Prevention program is designed to help make people self-sufficient, to enable them to produce for themselves, not to be supplicants. The Act helps people to improve their land, their technology of agriculture. It helps the person out on the land to have a sense of dignity, to live a better life.

Let us not forget, those of us who live in great urban centers, that over two-thirds of God's children are in rural areas. And let us not forget that the poverty which plagues mankind, even in America, is more persistent in rural America than it is in urban America.

So this Act is designed to strike at the roots of poverty, because a nation without food ceases to be a nation. It becomes nothing more or less than a band of wandering people literally fighting over the scraps which might sustain life. This Act provides for cooperation between what we have to offer here in America and what you have to offer in your respective countries. It is an opportunity for learning together, sharing together, producing together and building together.

That's the way we build peace. Peace cannot be bestowed upon people. Peace must be earned by people. It must be the product

of the desire of humanity, wherever the humanity may be, to find answers to their mutual problems.

We are so fortunate, those of you who live on the broad expanse of land that is America—the prairies, the bread basket of the world, so to speak; the desert that blooms from irrigation; the mountainsides with their trees and other forms of vegetation. We are so fortunate.

At this holiday time it's most appropriate that we should be holding this symposium and studying how we can conquer man's ancient enemy, hunger. Hunger has plagued humanity for centuries and centuries and centuries. And now we have it within our means to eliminate it. We have the technology and know-how in this country, but we can learn a great deal from others.

For example, tropical agriculture is very different from the agriculture of Minnesota or Wisconsin or Michigan—very different. The agriculture of the arid lands is very different from that of the wetlands. But we can learn together. And that's what educational institutions are all about.

So this symposium is a first step in the implementation of an important part of our development process. Wasn't it Pope John who said, "Development is the name for peace." And it is. Without development, without relieving the burdens of a tired and at times beleaguered mankind, there is no peace. Peace is more than the absence of war. Peace is harmony, cooperation. Peace is the good life. It's hope—the hope of a better life.

All we are trying to do here in the legal, formal language that we have in these legislative enactments is to bring to bear upon the food problems of the world the spirit of cooperation. We must pool our resources. We have no monopoly on brain power in the United States—nor do you. But together we have a tremendous resource.

Agriculture is very different in every land and we're going to have to learn from each other. And the interchange of thoughts and ideas that occur here today may well be the spark which gets this effort underway. This effort has been on the books a year, or better. While it takes time to launch anything of this scope, we now must get it off the launching pad and into action.

At this time I call upon the great land grant universities to bestir themselves, to accept this as a mighty challenge. This is an international and interdependent world in which we live. No longer is nationalism adequate to our needs or our security. And our great land grant universities and colleges must be the first to understand that we are an interdependent world, an interdependent people.

President Ford, you understand that. You've been a great help to us. You helped us along when we were trying to pass the legislation. You gave encouragement to us. You told us that you would sign the legislation if we could work out some of the details. You always were cooperative. And I want this audience to know that, without his help, it could not have been a reality. With his help, it today stands as a landmark of legislative achievement. We're proud of you, Mr. President. You deserve our everlasting thanks.

By the way, my esteemed and beloved friend, President Ford, and I had a little wager on a football game. We had about as much chance in Minnesota to win that game against Michigan as I have to be an astronaut to the planet Mercury or Mars. I figured that it was a hopeless thing. But—after all—when you receive a call from an old friend and a former President who'd like to rip you off a little, there isn't much you can do about it, is there? So we made a small wager. It's a piece of currency that will not

be in circulation. It will be on the wall in my library. It was a five-dollar bet. After we won (the Gophers from Minnesota beating the Wolverines from Michigan), I couldn't wait to get to the telephone. I had at least 40 members of the Secret Service tracking this man down asking him to please send the money.

And, because of the kind of a man he is, he sent it—good, solid, American currency. We've had a wonderful friendship—and, by the way—you look just marvelous. My goodness, he must scare the living daylights out of any contender.

Let me just say that of the many fine things that he's done—and he's done many, what he did for America at a time of desperate need was to restore to the Presidency and the White House those all-essential elements of honor, decency and integrity. And Mr. President, that is more important than any legislation that any President can sign or sponsor.

As I've said to you privately, you will be remembered in history as a great President because you came to us (I don't know why we're so lucky—Divine Providence does watch over us) at a time when our nation was frustrated, cynical, distraught, and worried. He came with this magnificent physical and spiritual presence which he has and said, "America is a good country. The people are good people, and we're going to have a good government." And he not only said it, but he acted that way. Mr. President, you will be remembered as a man of character, of honor, of real patriotism. You restored to our country the honor and the integrity which it so richly deserves. And I salute you.

Now the trouble with these Humphrey speeches is that I always give two or three. I'm not sure which one you will like, so I give you a choice! Imagine what I would be doing if I were in full physical vigor! But I've been having a bit of a struggle of late and once in a while I lose a little of the zest that was somewhat characteristic of my life. Yet it's not difficult to have enthusiasm and conviction for something that is as important as what we're doing here today.

And land grant colleges have been in the forefront of American agriculture. We don't produce like we do just because it rains or just because a farmer works hard. Farmers work hard the world over. We don't produce just because the sun shines upon the land, because the sun knows no boundaries. It shines throughout the entire earth.

We are able to have this fabulous production of American agriculture, because we've educated our farmers. The land grant institution is responsible for this education and training and the outreach of our county agent system which is so important.

You can't educate, unless you meet the pupil. The student and teacher must be in direct contact. We've learned that over the years.

Today our farmers, our fabulous producers, are unhappy with prices. I don't blame them. So am I. I don't know whether I'd be riding a tractor, but I'd sure be making enough noise around here so somebody would think it was a tractor.

But our farmers are able to do what they have done, because they've had the tools to get it done. By the way, it takes capital, and this comes into our development programs, our foreign aid programs, our World Bank—all these international institutions that for years felt that their money must go to the great industries, the big ports, the big plants. What good does it do to have a port if you've got nothing to ship? What good does it do to have a great factory if you have no customers? What good does it do to build a great urban center if you have riots from hunger?

Now, finally, we've gotten our international financial institutions and our own aid program turned around where a large percentage of the capital is going into agricul-

tural development. Over 60 percent, Paul, of our entire foreign assistance program in the United States goes into agriculture—agricultural development. That's exclusive of Public Law 480.

In so many countries agriculture has been low on the priority list. Industry, the military, highways—they're high, because they're easy to see. They show results immediately. Well, you can't grow a tree overnight. But the world need reforestation, believe me. It has more to do with climate control than all of the rainmakers put together. You can't rebuild soil where the topsoil has been blown away because of the failure to take care of the land in a generation. It does take time. But it can be done.

I lived through the depression in America. I saw the land in the Midwest ravaged by wind, by drought. And I saw that same land rebuilt. We still have a job to do. I'm simply saying that our experiences are of a common nature. We're not that much different. No matter whether you're from—Africa, Asia, South America, North America—wherever you may come from, whatever part of the world—we're not that much different. We're people. We're endowed by our Creator with a brain, with intelligence. We have some resources, some more than others. And we have, if we get together and use those resources, the means of lifting ourselves, not having someone else lift us. We can lift ourselves.

So it is important that these institutions, which are cited in Title XII, begin to play a vital and integral role in the agricultural development of countries on this planet.

But may I say to my friends of the diplomatic corps who are here today that the effort won't work if we have to come knocking at your door. Rather, we have to join hands. We have to understand that we can help each other. And I want the land grant colleges not only to use their technicians to teach different forms of agriculture, but also to be ambassadors of goodwill.

This Christmas season is the right time to rededicate our lives to banish hunger from the face of the earth. There is no reason for hunger, except man's failure to use good judgment. I want this holiday season to be one in which the nations of the world come to an agreement upon a matter that has no controversy. It isn't a question of the size of a missile or who's got the biggest airplane or who has the largest bomb. We're not talking about that. What we are talking about is—can we increase the production of wheat, of maize, of millet, of beans, of cotton, of the numerous products that grow on our land which can be used to improve animal husbandry?

Can we teach more young men and women to be veterinarians? Can we train young men and women to go out and teach others how to do a little better job? Can we find the water that is necessary for irrigation? Yes, it's there. It's all there. It's just a matter of using it. Can we dig the wells? We can. If we can dig in the middle of the ocean for oil, in the North Seas, in the Gulf of Mexico—and I see these ads on television where they're going down 5,000 feet looking for oil—there's water to be found, too, so that once again, as scripture says, the deserts shall bloom.

In closing I'd like to express my deepest appreciation to you, Doctor Wharton, for the leadership that you've given to us, along with your board of directors.

And to you, Paul, you valiant soldier, you old rascal. We've had so many good battles. It seems like the best friends I have are the ones that I've had to engage in political combat for one reason or another.

And to you, Mr. Parker, former director of AID, and Mr. Gilligan and to Clem here, my dear friend over in the House of Representatives. He's been on top of this program since day one—a fine citizen, comes from a

good state. One of his fellow congressmen said that Wisconsin was the gateway to paradise. I said, "That's right. Minnesota is just across the border."

So, on this happy note, let me again say how honored I am to be presented with this plaque by a former President of the United States and, as far as I'm concerned, one of the finest men that ever came to the halls of Congress.

May I express a special greeting to Betty. She was so good on television last night. It was marvelous. She was the narrator for the Nutcracker Suite Ballet. Besides that, she's pretty. Some fellows just outmarry themselves, you know.

But it is a unique and rare honor to be presented a plaque by a former President. And I'll guarantee you, Mr. President, that this plaque will be as close to that five dollar bill as my arms will be to my dear wife when I greet her on Christmas day.

God bless you and thank you very much for this symposium.

A TRIBUTE TO SENATOR HUMPHREY AND SENATOR METCALF

Mr. STONE. Mr. President, in the space of a few days, our country lost the leadership of two great men—Senators HUBERT HUMPHREY and LEE METCALF. We still have not recovered from the shock, and it will be quite a while before we fully appreciate the extent of our loss. That is why it is so important that we recognize how greatly our Nation has benefited from their wisdom, and how much we ourselves, here in the Senate, have been enriched by the experience of serving alongside them.

I had the honor of serving with Senator METCALF on the Senate Interior Committee for 2 short years. He was a man who truly loved his State—its people, and also its land. He was an outstanding conservationist who stood up to retain the natural beauty of Montana and the other Western States, and he was a leader in developing public power systems for the people who live in rural and remote areas.

When he first joined the House of Representatives in 1953, LEE METCALF brought with him a real understanding and respect for the law. He already had distinguished himself as a learned lawyer and a judge, having served 6 years on the Montana Supreme Court. He was a populist in the great American tradition, a man of the people.

Senator HUBERT HUMPHREY, too, was a man who had great faith in America. He had an abiding trust that our system of government could be made to work to serve its citizens—all its citizens—that there was no problem too great for our Government to solve. It was this faith that made him such an effective leader—that made him pick up the banner again even when his own dreams were crushed.

He will long be remembered for his willingness to speak up for those most in need of a spokesman—the victims of discrimination, the sick, the elderly, and the urban poor. Serving with him on the Senate Agriculture Committee, I had an opportunity to learn still another facet of his knowledge. He understood the day-to-day problems of the American farmer, and the important contribution these citizens make to our way of life.

HUBERT HUMPHREY was a beloved inspiration to all who had the privilege of

knowing him. From the first day I came to the Senate, he went out of his way to extend his friendship. His energy, his warmth, and his thoughtfulness often helped bring together those who disagreed. He set an example for all of us, in leadership, in compassion, in good will toward others.

Just a few months ago, I met HUBERT HUMPHREY as we were leaving the Senate Chambers, and walked with him from the Capitol steps to the Russell Building. We spoke the length of one block—just a few minutes—but his presence and conversation were so fine that I felt uplifted for a week. He was a man who in the space of one block could subtly alter your philosophy toward life—a man who, in the course of over 30 years of public service, changed the course of American history. We are all the better for it.

A TRIBUTE TO SENATOR HUMPHREY

Mr. EASTLAND. Mr. President, all too often—during my tenure in this body—we have gathered here to mark the passing of good and decent and able men and women who have served their States and this Nation in the Senate.

On rare occasions we have come to this Chamber to salute the memory of one of America's giants. This is one of those occasions—for today we mourn the loss of HUBERT HUMPHREY.

I am reminded of a poem by Longfellow entitled, "A Psalm of Life." Two of its lines seem to me to describe the life of our friend from Minnesota.

The lines say:

Let us then be up and doing—
With a heart for any fate.

Every person who associated with HUBERT knows that there was no day when he was not up and doing—up early—and doing his best until late.

And—If ever a man lived who had a heart for any fate—that man was HUBERT HUMPHREY.

He was a talented and tenacious and courageous fighter—this happy warrior of ours—but he fought his countless battles without malice—and he won or lost with grace and style and generosity of spirit.

This gallant man looked adversity—defeat, tragedy, and even death in the eyes—and started them all down.

He was a recognized and respected leader, in national and international affairs. To his enduring credit he met every challenge head on and, in this age, when we are told that there are no more heroes he finished his course a great hero here at home and around the world.

When he accepted the Nobel Prize—my fellow Mississippian William Faulkner—spoke eloquently of "the old verities and truths of the heart." He listed "love and honor and pity and pride and compassion and sacrifice."

I see our friend, HUBERT, through Faulkner's words.

I see him full of love for his family, his friends, his State, his country, and her system of government.

His life and his career did honor to all who came in contact with him.

Pity and compassion were woven into his character and were reflected in his endless variety of interests and achievements.

He had great pride, not in himself, but in his loved ones and in America for all our land has done for men and women and children in 50 States—and across the Earth.

And he knew sacrifice on a very personal basis.

Long ago it was written, "Where there is no vision—the people perish."

As we bid farewell to HUBERT and extend our deepest sympathy to his fine family, let us keep in our minds and in our hearts his happy vision and let us continue to work toward the goal he dedicated his life to—a better and a brighter future for all people, everywhere.

TRIBUTE TO SENATOR METCALF

Mr. EASTLAND. Mr. President, with the passing of LEE METCALF, the Senate has lost a true man of the West and of the Nation.

Senator METCALF has served in public office almost continuously since first being elected to the Montana Legislature in 1936, the year he was graduated from law school, except for a period he served in combat in World War II.

While a Member of the House of Representatives, he was elected as the first chairman of the Democratic study group, of which he was a founder, composed of some 150 of his colleagues. As much as any other man, he brought constructive change to the Congress.

LEE METCALF was my friend. While we differed in political philosophy on many occasions, my respect for him never diminished. He was a liberal, a populist, and a progressive Senator. He stood for conservation, education, and the preservation of our natural environment. He helped shape and extend the National Defense Education Act of 1958, the first major Federal aid to education legislation since passage of the Morrill Act of 1862. The following year he joined the late Senator Murray in sponsoring new legislation for general aid to education. The Murray-Metcalf bill, designed to provide for transfer of Federal funds to the States to help hard pressed local school districts, was the forerunner of the landmark Elementary and Secondary Education Act of 1965.

Throughout his career, LEE fought for wilderness areas, land and water conservation, clean air, reclamation, and responsible strip mining. The list is endless and need not be repeated here.

LEE METCALF was a quiet man, a kindly man, and a man of unquestioned integrity. His word was his bond, and his colleagues knew that he would stand and fight, sometimes alone, for those things in which he believed.

Senator METCALF loved the Senate and was ever vigilant in preventing encroachment on this institution from the executive branch, the judicial branch, or any other source.

LEE labored long and tirelessly in the legislative vineyard, and he will be missed. He will be sorely missed.

Mrs. Eastland and I extend our deep condolences to Donna and his son, Jerry.

MEMORIAL TO SENATOR LEE METCALF

Mr. CRANSTON. Mr. President, just a few years ago in this Chamber LEE METCALF rose to pay tribute to the late Wayne Morse. He was saddened on that occasion, he said, because so many of his friends and colleagues were, in Tennyson's words, "returning home." And now LEE METCALF, too, has returned home for the last time.

With his death the Senate sees the fading of a proud and stirring tradition among progressive Western lawmakers. It is a tradition that says the wealth of Western land and water shall belong to the people, and that any who would encroach upon the people's stewardship of their natural resources are in for a fight. In the past the West has given the Nation champions like William Jennings Bryan, George Norris, William E. Borah, Wayne Morse, and Clair Engle: men to stand firm against the private exploitation of public wealth. They have been called populists, progressives, and even radicals. It should be said of these legislators, however, as Earl Warren said of Wisconsin's Bob La Follette:

If his ideas were radical, they were only in the sense that freedom itself is radical. They were radical only if government "of the people, by the people, for the people" is radical.

LEE METCALF breathed in that tradition from the mountains and plains of his native Montana. There he built a political career—as State's attorney general, associate justice of the Montana Supreme Court, Congressman and U.S. Senator—with roots deep in soil of Western populism. He moved instinctively to the side of copper miners, small farmers, consumers, workers, and ordinary citizens. He was their advocate and defender in countless legislative encounters with mine owners, public utilities, timber and ranching interests, and with government itself. His stands in favor of pesticide control, wilderness protection, and strip mine reclamation were in direct conflict with some of the most powerful political forces in his State. His career is a direct denial of Heywood Broun's definition of a liberal as someone who leaves the room as soon as a fight starts.

LEE METCALF and I graduated the same year from Stanford University. One might assume it was his college experience that made him so willing to help on California problems. But I know his fair-minded concern for others was not bound by any State or region. On two occasions in recent years he rendered great service to the people of my State.

During the Lockheed loan controversy in 1971, LEE was reluctant to vote for what some considered an unjustified bailout for the aerospace industry in California. Halfway through the rollover vote in the Senate, he saw that his vote would be decisive. He said to me then:

I can't cast a vote that will throw 20,000 people out of work.

He voted for the loan and provided the single-vote margin of victory. He did

save those jobs and—as subsequent events have shown—benefited all U.S. taxpayers.

Then in late 1975 we learned that large mining companies were conducting destructive open-pit surface mining inside Death Valley National Monument in California. The mining was technically legal, but causing irreparable damage with each passing day to a world-renowned desert landscape. LEE METCALF introduced a bill stopping surface mining in Death Valley and in five other parts of the national park system where mining had been permitted. LEE and I worked together closely on that bill. Thanks to his persistence and quick action, a 4-year moratorium on mining in the parks was enacted within 6 months.

LEE METCALF's convictions about the rights of American consumers led him, in 1971, into the area of consumer education. Again we worked together with much mutual satisfaction to enact a program of consumer education in the Nation's schools. He knew that education is the essence of successful democratic self-rule. And he was determined that citizens should have the knowledge they need for self-determination in the marketplace as well.

That determination also led him to study the flow of money in America and to probe the dim recesses of concentrated wealth. Together with Senator MUSKIE he led two Government operations subcommittees on a thoroughgoing search for corporate ownership and responsibility in our country. The report they had published disclosed vital information previously withheld from Congress and the public. It is there for any citizen to see, in large measure because of the courage and diligence of the Senator from Montana.

Earlier in this decade, when our Nation's constitutional balance was in serious jeopardy, LEE METCALF spoke up for a stronger, more responsible Congress. He pioneered the congressional budget process so legislators could better supervise Federal spending. In matters foreign and domestic his was a reliable voice in favor of giving Congress a larger and more coherent role in determining national policy.

In the last century one who shared LEE METCALF's belief in an assertive Congress was Thaddeus Stevens, a so-called radical Republican and Congressman from Pennsylvania. He also shared LEE METCALF's view that service in the House or Senate could be a way to give power to the powerless. Thaddeus Stevens once said:

It is easy to protect the interests of the rich and powerful. But it is a great labor to protect the interests of the poor and down-trodden. It is the eternal labor of Sisyphus forever to be renewed.

That labor was renewed in the life and career of LEE METCALF. It will be carried on by others yet to come.

MEMORIALS TO SENATOR HUBERT H. HUMPHREY

Mr. CRANSTON. Mr. President, I have many wonderful memories of HUBERT HUMPHREY, from the indelible impression he made upon me the very first time I met him—with the ebullience, enthu-

siasm and energy—in 1948; through many a campaign, and many a battle as allied in a common cause on or off the Senate floor; to the last time I saw him when his indomitable spirit still drove him onward, despite his illness.

The American national character is many faceted. And our beloved fallen colleague, HUBERT H. HUMPHREY, of Minnesota, symbolized for many of us the upside of that character—the unfailing optimism that makes great achievement possible simply because one does not linger over the possibility of failure. "C'mon, boys, can do," you can almost hear him saying, in that inimitable prairie twang. "Better days are coming tomorrow."

It is unnecessary—even redundant—that we stand here and try to eulogize and memorialize this unique and wonderful man. For the memory of his many remarkable achievements in a lifetime of dedicated service to the people of this Nation will live far longer than our tributes today. But, again, we can almost hear him advising, "Do it, fellas; it'll make you feel better."

And so, Mr. President, I pay tribute to the memory of Senator HUBERT HUMPHREY.

This would usually be a sad occasion. But, one cannot think of HUBERT HUMPHREY for long and remain sad. For one unique quality of this great man was his unfailing affability. No one ever enjoyed being a politician more. And no one ever spread more joy around him than HUBERT HUMPHREY.

He had kind words for everyone, and always found the time to express them fully. And, if that delayed his appearance for the next event on his schedule, then tardy he would be—and often was.

He believed—and frequently pointed out—that America alone among nations included the pursuit of happiness among her national goals. And so, it was not surprising that time and again he offered legislation to improve the quality of life for the unfortunate. It was totally in keeping with his optimistic nature that he had not lost faith—as some others may have—in Government's ability to improve the lives of people.

"Happiness is contagious, just exactly like being miserable," he has been quoted as saying. "People have to believe that they can do better. They've got to know there's somebody that wants to help and work with them, somebody that hasn't tossed in the towel."

He never did toss in that towel, Mr. President. The Humphrey-Hawkins bill that this session of Congress will be considering is only the latest of his many contributions to give people a chance to better themselves.

The Senator from Minnesota had a long public career, spanning more than 30 years from his election as mayor of Minneapolis in 1945. He became Vice President of the United States, and nearly became President. Yet he never lost his concern for the distressed and the oppressed.

His successful Democratic Convention efforts in 1948 to bring his party into "the bright sunshine of human rights" marked

the beginning of his recognition as a national figure. But devotion to the cause of human and civil rights remained constant throughout his career. In 1974, he joined with me on the Senate floor in efforts to end U.S. military assistance to oppressive, authoritarian governments, and the following year chaired hearings in his Foreign Relations Subcommittee on that subject. On that occasion, he said:

How the United States will be regarded by other nations in the future will depend as much on what we stand for as what we oppose. And this brings us back to the concerns of our own people who view the human rights question as a major area of weakness in our foreign policy.

And, when the newly-elected President Carter set out to correct that weakness in our foreign policy, Senator HUMPHREY was among the first to rise in applause. He joined me and six of our colleagues in a letter to the President, on March 23, 1977, which read in part:

We freely concede that we, too, like all nations, have unfinished business in human rights, but you have properly reminded the world that there can be no understanding among nations unless formal pledges about human rights are implemented. Your statements imply no special status for America, but simply demonstrate a world-wide commitment to the belief that human rights must be clearly stated and energetically pursued.

Washington, D.C., is a city where contact with the great and the near great becomes commonplace. But even here, there are a very few who are special. Clearly, HUBERT HUMPHREY was one of these—the possessor of seemingly boundless energy which throughout his life he would pour forth in devoted service to humanity. At the end of the 94th Congress, already stricken with the disease which eventually took his life, HUBERT went home—and there were those who thought he could not or would not return. But, after the 95th Congress opened, Senator HUMPHREY was there on the Senate floor with a vigorous and rousing speech which eased the confirmation of Paul Warnke to be our chief arms control negotiator.

Some of his words that day reflect the attitude that endeared him to all with whom he came in contact over his long career:

To disagree does not mean that you have to be disagreeable. To disagree does not mean that you hold the other person's views in disrespect. It is simply that we sometimes see things differently.

No wonder, then, that the Nation would not wait until his death to shower its affection and tribute on him: he survived to be honored by a joint session of Congress, and to see the new headquarters of the Department of Health, Education, and Welfare named after him—a rare tribute to a living statesman—as a permanent reminder of his concern for the needy.

He was well prepared for his death, and asked that this "be a time to celebrate life and the future and not be a time of sorrow."

Certainly, this last wish will be granted, for he has affected all whose

lives he touched with his buoyant optimism, his unrelenting good will, his boundless energy, his dedicated spirit. These will give us the strength to get past this moment, and remember him only with joy at having known him. Still, knowing HUBERT, I know he would permit us a few tears for our irremediable loss.

I have many.

PROUD TO HAVE SERVED WITH THE "HAPPY WARRIOR"

Mr. ROTH. Mr. President, hundreds of thousands of words have been written and spoken in remembrance of HUBERT HUMPHREY recently, and most of them have conveyed—as did HUBERT himself—a warmth and sentimentality seldom experienced in the hurly-burly of today's politics.

I have my own fond memories of Minnesota's "Happy Warrior," of course, even though he and I were often philosophically at odds on how to deal with the Nation's problems. HUBERT was, as so many eulogies have noted, the archetypal liberal, convinced that the ailments suffered by modern society are best treated by heavy governmental doctoring. I have always shared HUBERT's restless concern over national and world social ills, to be sure, but I have also, more often than not, disagreed with his prescriptions, believing as I do that the less society is subjected to government nostrums the more healthy it will be.

Politics aside, however, there is a melancholy void in the government, now that HUBERT is gone. He took away with him a unique brand of cheeriness, civility and human kindness which I will miss in a most personal way. In the Senate, a setting that is invariably electric with the tension that derives from political rivalries and individual ambitions, he had a way of showing the other 99 Senators—even his most dedicated political opponents—that each of us truly matter to him as friends and Americans.

The first time I met HUBERT he was Vice President. I was a freshman Congressman, one of the guests at a meeting sponsored by the chamber of commerce, and he was among the speakers. His performance was extraordinary, in that he turned what at the outset was a cool and politically unsympathetic audience into a throng of cheering friends. His magnetism was such that I, as a relatively obscure newcomer to Capitol Hill, felt that he knew I was there in the crowd and had been talking directly to me.

In subsequent years, as I moved along to the Senate and in even broader view of National Government, I got an even better view of HUBERT as a man, and despite our political sparring, we developed a fine personal relationship. I became particularly impressed with the fact that, for all his exuberance, HUBERT was a truly humble person. For instance, when he and I were reelected to the Senate together and were attending the various orientation lectures for new Members, he sat and listened—participated—without once flaunting the savvy he had compiled over his many years of government service. Helpful in an unassuming way, yes; condescending or prideful, no. And only a few weeks before his death and despite the fact he disagreed with me, he crossed

the Senate Chamber to tell me how well he thought I had presented the case for college tuition tax credit legislation. His gentle encouragement gave me a tremendous lift.

The world will remember HUBERT HUMPHREY for the tenacious hard work that placed him among the most renowned and effective of American public officials.

I will remember him for those things, too, naturally. But I will also be especially grateful to him for having brought a continuing measure of dignity to the all-too-often maligned title "Politician." He brought the profession a graciousness and sincerity that will provide an enduring standard for those who aspire to honorable public service.

TRIBUTE TO SENATOR METCALF

Mr. SARBANES. Mr. President, Senator LEE METCALF once summed up the job of a Member of the U.S. Congress in the following words: a Senator or Congressman, he said, "finds himself serving his constituency—and, in many instances, the country—not only as a legislator but as a troubleshooter, a news-gatherer, education and information source—an ombudsman of the people." Senator METCALF carried out all these responsibilities himself in his 25 years of service in the two Houses of Congress.

LEE METCALF was a principled and dedicated legislator. The touchstone of his work in the Congress was his commitment to the public interest, and his readiness to defend that interest in the face of strong opposition from special interests. He was a forceful spokesman for consumer interests long before there was an articulate national consumer movement. He was an outspoken and effective conservationist, deeply concerned to preserve for the American people their priceless natural heritage, long before the word environmentalist became a common noun in our national vocabulary. He was an author of the very first wilderness bill, and virtually all wilderness legislation has taken inspiration from the strength and certainty of his early vision. It was LEE METCALF's Public Lands and Resources Subcommittee that developed the landmark strip mining legislation enacted earlier by this Congress.

Although it was my privilege to serve with Senator METCALF in the Senate, we were never contemporaries in the other body; his service there ended following his election to the Senate in 1960. However, as a former Member of the House and as a member of the Democratic Study Group which he was instrumental in founding and of which he was the first chairman, I—as well as many of my colleagues—owed a great debt to him for his pioneering work in establishing the Democratic Study Group.

His dedicated service helped to make the two Houses of Congress stronger and more effective institutions, and our Nation a better place in which to live. We will remember Senator METCALF with gratitude for his dedicated public service and affection for his outstanding personal qualities.

SENATOR METCALF

Mr. HARRY F. BYRD, JR. Mr. President, during his 17 years in the Senate,

our good friend LEE METCALF built a well-deserved reputation for expertise in the complex fields of resources and the environment.

As a member of the Committee on Energy and Natural Resources, heading the Subcommittee on Public Lands and Resources, Senator METCALF devoted years of his life to the difficult problems in these areas which were and are of such commanding importance to his State of Montana, and indeed to the whole Nation.

Less well known but also of great importance were Senator METCALF's contributions in the field of governmental operations, particularly in the technical aspects of reports and accounting. He did very significant work in these unglamorous but important areas as a member of the Committee on Governmental Affairs.

But able though he was as a public servant, we who knew him will remember LEE METCALF equally well as a kind and generous human being.

I believe I shall always recall Senator METCALF's face as a smiling one. No matter what problems he was facing, or what controversial matters he was wrestling with, LEE METCALF greeted everyone with a smile that obviously came from the heart.

Because he was an acknowledged expert in several important legislative fields, because he worked long and uncompromisingly with issues that were not in the limelight, and because he was a warm and considerate friend, LEE METCALF will be missed.

SENATOR HUMPHREY

Mr. HARRY F. BYRD, JR. Mr. President, I think that all who knew HUBERT HUMPHREY, of whatever political persuasion, remember him with warm affection.

Few Americans of our time gave more unselfishly of himself in public service.

I can recall several debates with my dear friend from Minnesota on the subject of foreign aid—a matter on which we were not exactly in perfect agreement.

One debate in particular sticks in my mind. Senator HUMPHREY was the floor manager of the bill at the time, and I rose to make a few comments on the bill. After I had finished a few sentences, he asked me to yield briefly for a response.

About 40 minutes later, I was still yielding. During that time, I think the only word I got on the record was "but."

Indeed, HUBERT HUMPHREY could bury almost anyone in an avalanche of words. But no one really minded, because they were eloquent words, spoken from the heart.

Furthermore, when the debate was over, HUBERT nearly always would come over to his opponent with a broad, heart-warming smile and apologize for talking so much.

From the time of his first, unsuccessful bid to become mayor of Minneapolis in 1943, right up to the last days of his life, HUBERT HUMPHREY was a man in perpetual motion, fighting innumerable battles, standing in the frontline of every one of them.

Hundreds of thousands of words have been written and spoken about Senator

HUMPHREY during the last 11 days. The dominant themes of these tributes have been his courage, his dedication, his personal warmth, his great store of energy, and his persistence in seeking the goals in which he believed.

I can add but little to this cascade of well-earned praise for a great American.

But I can say this: In this Senate which he knew so well and loved so well, he can never be replaced.

HUBERT HUMPHREY

Mr. CHURCH. Mr. President, no one better personified the American faith than HUBERT HUMPHREY. His death leaves a void which we may not see filled again in our time. As others in public life look back on their past accomplishment, HUBERT HUMPHREY preferred to look ahead. He focused on the future and always approached it with joyous optimism, confident that no problem defied solution. He was a man who believed with all his heart in Edmund Burke's aphorism that "government is a contrivance of human wisdom to provide for human wants."

HUBERT HUMPHREY was the father of the Peace Corps. He was among the first to focus attention on the need to control the spiraling arms race, and it remained an abiding cause throughout his career. Long before its time, he saw the need for national health insurance for the elderly. He was the constant champion of those in need, no matter who they were or where they might be. But by far, his greatest legacy was the cause of civil rights. For a generation, he was the conscience of Congress, never letting us forget that when discrimination grips one of us, it grips us all.

Yet, for all of this, I will remember HUBERT HUMPHREY as much for his unquenchable spirit and ready wit, as for his remarkable legislative record.

I remember 1960, when John Kennedy defeated HUBERT HUMPHREY in the West Virginia primary, dashing his hopes for the Presidency that year. It was a crushing blow. But the next morning, when lesser men would have stolen away to lick their wounds, HUBERT HUMPHREY had returned to his place in the trenches. I ran into him in the Senate baths, getting into a fresh suit, on his way to the Senate floor. He had already bounced back and was ready to take up a complicated bill on compensation to State and local government in lieu of taxes on Federal property. Despite his great disappointment, he entered into the debate full of determination, ready to carry on, as if nothing had happened. It was an unforgettable exhibition of fortitude.

I will also remember his wit and laughter. If HUBERT HUMPHREY was never at a loss for words, it was because he enjoyed levity, including the stories he told on himself, as much as he enjoyed serious, substantive debate in the Senate or on the campaign trail.

I recall one of the times HUBERT was in Idaho, when he was running for Vice President in 1964. He was speaking at a crowded auditorium in Pocatello, where a number of supporters of Senator GOLDWATER, the Republican Presidential candidate, started interrupting with shouts of "We want Barry! We want Barry!"

HUMPHREY shot back: "What berry?" "Strawberry or raspberry?"

And just a few months ago, I had gone to the White House to meet with President Carter. After our meeting, HUBERT offered me a ride back to the Capitol in his car. He said he knew a shortcut out of the West Wing, and so I followed him through a labyrinth of hallways and corridors, until finally, he had to admit he was hopelessly lost.

"HUBERT," I said, "you're the last man on Earth I'd ever expect to get me lost in the White House."

"But you don't understand, Frank," he replied. "I've spent all of my life trying to find the way in, not out."

Mr. President, HUBERT HUMPHREY is gone. Each of us takes what solace we can in our own private memories of the man, knowing that there are more than enough to go around.

I count it my good fortune to have served 21 years in his company.

LEE METCALF

Mr. CHURCH. Mr. President, LEE METCALF was not only a great Western Senator, but a very dear friend. His untimely death was a personal blow to me. He came from my neighboring State of Montana. We shared much in our years together and were frequently allied in pursuit of common goals.

One does not have to search hard for the words that epitomize LEE METCALF's life: Honesty, integrity, decency. His service in public life was always characterized by a fundamental belief that Government exists to champion the cause of public interest over private gain. If he relished his battles on behalf of the consumer, or in favor of sound conservation, he was scrupulously fair, and he never lost the respect of those with whom he disagreed.

The causes he supported were many and varied: Protection of the public domain, a viable wilderness system, aid to education, new laws to insure clean air and water, fair packaging and labeling protection for consumers and, perhaps most important, efforts to give Congress the tools to play a more important role in the setting of national policy. He chaired the hearings that led to passage of the Congressional Budget Act. That law may be his most enduring legacy.

Throughout his public career, LEE METCALF spoke for the ordinary people of his State and his Nation—the miners and loggers, consumers, and housewives, young veterans, the disabled, the elderly—with the abiding conviction that they were the constituency most in need of representation. It was an effective voice, one the Senate will miss.

Mr. President, my wife, Bethine, shares the loss I feel in the passing of LEE METCALF. Our hearts go out to his widow, Donna, and all surviving members of his family.

TRIBUTE TO SENATOR HUBERT HUMPHREY

Mr. DOLE. Mr. President, the man we honor today said that enough eulogies had been given him. If he were an ordinary man, he might have been right. But HUBERT HUMPHREY was no ordinary man. The tributes we offer today are not just to honor a great American, but

they represent our attempts to keep alive the indomitable spirit which was HUBERT HUMPHREY'S.

INFLUENCE AT HEARINGS

Anyone meeting HUBERT could not help but be engulfed by his enthusiasm and his zest for living. Many a time I have been sitting in a rather humdrum hearing when HUBERT marched in, late as usual. Almost instantly, the tempo quickened. The questions and answers became more intense as we now had to compete to be recognized. What had previously been a rather routine hearing was injected with HUBERT'S humor, and transformed into an interesting informative session. We have all at one time or another been stimulated by his excitement and insatiable curiosity.

Recently, I have had several occasions to team up with HUBERT as we worked together on food stamps, the farm bill, the supplemental feeding program for women, infants, and children, and other nutrition issues. After having experienced HUBERT as both cosponsor and challenger, I prefer having his support. When he was arguing against you, it was like heading into a stiff north wind blowing in from Minnesota. But when he was backing you up, it was like the warm summer breezes blowing off the prairie.

HHH BUILDING

I am proud to have had the opportunity to introduce S. 2219, now Public Law 95-141, which named the new south portal building of the Department of Health, Education, and Welfare, after Senator HUMPHREY. This bill had 98 cosponsors, and was signed into law aboard the Air Force One, when HUBERT was flying back to Washington on October 23. It is a fitting recognition for the man who has worked so hard to improve social and economic justice in our country.

The lives of millions of Americans—the old, the young, the disadvantaged—are better today because HUBERT HUMPHREY did not hesitate to champion unpopular causes, blazing the trail in key national issues before they were national issues.

ACCOMPLISHMENTS

Like any great leader, he had critics. But none doubt his sincerity and good will. Few have done more to improve the health, education, and welfare of our citizenry. Due in no small part to his efforts, our senior citizens are healthier, the young are better fed and better educated, and the daily lives of the poor in America are more bearable. There is still more for us to do before HUBERT'S dreams are completed.

PROGRAMS

Scores of vital Federal programs administered by the Department of Health, Education, and Welfare are operating today largely because HUBERT fought for them: Medicare, Head Start, the Elementary and Secondary Education Act, the Health Professions Scholarships Act, and others. The list reads on and on.

CONCLUSION

He was a man of uncommon decency and compassion, a great political leader, a patriot, a kind and generous man who will continue to contribute to the better-

ment of this Nation even after his death. The people of the United States, whatever their party affiliation, whatever their philosophy, are fortunate to have had HUBERT HUMPHREY in their service. He has been a great national asset. I consider it a privilege to have known him as a colleague. I have worked with him and fought with him, but have always admired him.

My hope is that the exuberance, the faith in mankind, and the perpetual optimism that were HUBERT HUMPHREY's can be carried on through the legislation, the friends, and the dreams he left behind.

SENATOR LEE METCALF

Mr. DOLE. Mr. President, I join my Senate colleagues in paying tribute to one of our trusted and valued colleagues, Senator LEE METCALF.

The Senator from Montana had announced his intention to retire and return home to Montana at the end of this Congress. He truly loved his home State and its people and I regret that he was not able to finish out his term and retire home to his beloved Montana—or "God's Country," as he called his home State. As a leading liberal on the other side of the aisle, Senator METCALF and I had frequent occasion to vote on opposite sides of issues. However, that never diminished my respect for his abilities and qualities. An open-minded man with a great sense of fairness, he earned the well-deserved respect of his colleagues and the people of Montana.

During his 8 years in the House and 17 years in this body, he sponsored many important pieces of legislation and championed many causes, marking him as a strong advocate in the Western populist tradition.

A critic of public utilities and their rate structures, he authored a book, "Overcharge," which presented his case on the practices of utility companies.

Dubbed "Mr. Education" by Wayne Morse, Senator METCALF was known as a strong advocate of educational opportunity for all. He supported extension of the GI bill to Vietnam veterans, was one of the authors of the National Defense Education Act—a part of this Nation's response to Sputnik, and supported other measures providing substantial Federal aid to education.

The late Senator won several battles for environmentalists throughout his career and won for himself many well-deserved awards from environmental groups in recognition for his work.

Of course, we are most familiar with his activities in the Senate. Nevertheless, he also had a record of substantial achievement in the House. As one of the founders and as the first chairman of the Democratic Study Group, he assisted in the establishment of an organization which has become a major asset to liberals on the House side.

His accomplishments in both Chambers will be long remembered by his colleagues, and will be long appreciated by environmental groups, educators, and others who strongly identify with his work. He was a fine man who contributed a great deal to the Senate as an institution. He will be sorely missed.

HUBERT HUMPHREY—THE FINAL MESSAGE:
BRIDGING THE VALLEY OF SHAME

Mr. BROOKE. Mr. President, in our personal sadness these past days, all of us have taken strength from our memories of HUBERT HUMPHREY's optimism, his joy in life, and his boundless vitality. I believe that history will best remember him as a towering figure leading the endless struggle for human rights. Thirty-years ago HUBERT HUMPHREY first stirred the conscience of the Nation by proclaiming that the time had come "to march forthrightly out of the shadows of States' rights into the sunshine of human rights."

And, for three decades HUBERT HUMPHREY never wavered in his championship of those who suffered under the burdens of prejudice, poverty, or infirmity. He always believed that our efforts could make life a little easier, make our society more just, and make our Nation more truly democratic and thus truly strong.

HUBERT HUMPHREY's own words will inspire more than any we can utter about him today. He taught us that our progress as a nation could be judged, as he said, by how we treat—

Those in the dawn of life—our children and young people; those in the shadows of life—the poor, the jobless and those who suffer from prejudice and discrimination; and those in the twilight of life—the elderly and those in poor health.

Mr. President, HUBERT HUMPHREY spent his life sometimes nearly alone teaching concern for those in the dawn, the shadows, and the twilight of life. In time such leadership brought a generation of dedicated civil libertarians to positions of influence and authority. But freedom is constantly beset by attacks, besieged by enemies and in grave danger. There are, sadly, too few in the Government of our land who have the strength and the courage to do continuing battle for our threatened liberties. And the loss of one of our strongest, most steadfast champions is not only painful, it is a blow to our small ranks and we are much diminished. Freedom's cause needed HUBERT HUMPHREY. His energy will be deeply missed. And, now that he has left his unfinished work to his heirs, we must build on his legacy and honor his contributions.

It was, most fitting that HUBERT HUMPHREY's final message to the American people was delivered on his behalf as part of the Martin Luther King, Jr., birthday commemoration on January 14. Black Americans, above all, owe an eternal debt of gratitude for HUBERT HUMPHREY's work. His message was a stirring call to bring black and white America together. In this his final message Senator HUMPHREY spoke sadly of the "huge valley of shame," which despite our progress, still "separates black and white America." And, his very last public words to us are these:

We must keep up the fight. If we do, I assure you it will be well worth every effort you make.

Mr. President, I ask unanimous consent that Senator HUMPHREY's remarks be printed in the RECORD, for none of us can do him so much honor as his own words do honor him.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SPECIAL TRIBUTE TO HUBERT HUMPHREY

It is an honor for me to be here with you tonight to accept your warm tribute to my brother, Senator Hubert H. Humphrey. Hubert has asked me to express his sincere regret at not being able to be with you this evening. You have all been such an important part of his life.

My brother has prepared a brief message which I would like to share with you now:

"Fourteen years ago Dr. Martin Luther King, Jr. shared with us his dream for America. That cherished dream of what our nation could and should be, became our dream as well. Today we come together to celebrate the forty-ninth anniversary of the birth of this champion of the rights of all people. We come together to recommit ourselves to the struggle to reach the promised land which he described from the mountain top.

"I am deeply moved by the tribute bestowed upon me tonight. To be linked to Dr. King in the battle for equal rights is a distinct honor. My own regret is that I cannot be with all of you tonight to share in your warm friendship.

"Your work, your sacrifice, your vision, your determination and your commitment to an equal chance in life for all of our people have made great progress possible. Because of your efforts we have rewritten the nation's laws to clearly recognize equal rights for all Americans. And, don't let anyone sell this achievement short—it is monumental. Without it, equality of opportunity is not possible in education, in employment, in your neighborhood, in any important aspect of American life.

"Today, life is better for most black Americans than it was for their parents or grandparents. Incomes are better, educational opportunities are greater, health care has improved, political influence and representation has increased, and much more. That is progress. Progress which reaches into the homes of millions of our fellow citizens and directly affects their lives. It is real progress, and we must not forget that it has occurred.

"But, we cannot be satisfied in measuring our progress solely by the distance we have come from the abominable conditions that existed in a period of gross injustice. We must face the facts. For despite our progress, a huge valley of shame separates black and white America:

Black family incomes average only 62 percent of white family incomes.

Less than half of all black people over age eighteen have a high school diploma.

Unemployment rates for black Americans have been double the rates for white Americans for two decades.

Twenty seven percent of our black families still struggle to survive on incomes below the poverty line.

"These are only a few of the facts, but the point is clear. We are a long way from our goal of a society with equal opportunity and justice for all. In moving toward this goal, our focus today must be on jobs—decent jobs, good paying jobs, jobs with a challenge, jobs with a future.

"That is why my first priority, and I think it should be yours, as well, is passage of the Humphrey-Hawkins Full Employment Bill. This bill will commit the government to full employment in a politically accountable manner that has never existed in the past. It will make full employment the central focus of our nation's economic policy. It will result in a new and unparalleled push for full employment in America.

"Don't listen to those who say this bill is watered down and not worth fighting for. Most of these people have no idea how national economic policy decisions are made. Many of these instant experts have never

taken the time or trouble to read the bill. Some of these commentators are trying to kill the bill by convincing its supporters that it is meaningless.

"I will never deceive you, and I believe you know it. This legislation is a must. It is no miracle cure, but it is an indispensable step toward economic justice. We must keep up the fight. If we do, I assure you it will be well worth every effort you make."

TRIBUTE TO SENATOR METCALF

Mr. CULVER. Mr. President, it is recognized that true humility is one of the greatest and rarest qualities we see in public leaders. Our departed colleague, Senator LEE METCALF, exemplified this quality as much as any person I have known in the Congress. His self-effacing manner belied his great quality as a person and the dimension of his far-reaching achievements in his long years of public service. Founder and organizer of the Democratic Study Group, member of the Ways and Means Committee and outstanding leader in conservation, education and many other areas, LEE METCALF became a legend in the House in only 8 years. He continued his outstanding record in the Senate in such fields as energy, natural resources, Indian affairs and Government reform. His colleagues in the Congress recognized his intellectual capacity and leadership qualities and esteemed him for his legislative achievements through the years. Personally, they will remember him for the quiet, friendly, unassuming way he went about doing great things for his State and for the country. He enriched our lives and his presence will be sorely missed.

A TRIBUTE TO SENATOR LEE METCALF

Mr. HATCH. Mr. President, I join my colleagues in paying tribute to our friend and colleague, the late Senator LEE METCALF. I am grateful for the opportunity and the privilege to have worked with him in the U.S. Senate.

Senator METCALF showed me innumerable kindnesses and was a great encouragement to me during my first months in the Senate. But what I shall remember most about him was his cheerfulness and prevailing good humor. I recall a letter I received from Senator METCALF soon after the vote on the Surface Mining bill in which he quipped:

I believe that if the bill had been recommended to conference, I would have jumped out the window rather than go through another such repetitious ordeal.

I would also like to point out the generous cooperation he gave me on this legislation and in turn, pay recognition to Senator METCALF's hard work in this area. His efforts will have a lasting impact.

While Senator METCALF and I did not see eye to eye on the legislation, he was always most helpful to me, permitting me to participate in the hearings, and advising me of any developments as they occurred. I must stand in gratitude to Senator METCALF for those courtesies.

I have the deepest respect for LEE METCALF, as a Senator and as a genuine human being. I extend my sincerest sympathy to his family and to the citizens of Montana.

TRIBUTE TO SENATOR HUBERT HUMPHREY

Mr. HATCH. Mr. President. Our colleague, HUBERT HUMPHREY, was a unique man and exhibited such special qualities that it is difficult to find sufficient positive superlatives to adequately describe his life and the deep loss that each of us feels.

He had the highest integrity and strength of character. Even as he pursued partisan politics, he maintained his dignity and honor and upheld the public trust. He was, and will remain, an example for us and those who, in the future, aspire to public office.

He was a fighter. I had the privilege of serving with Senator HUMPHREY in two capacities off the Senate floor, the Joint Economic Committee and the Technology Assessment Board. In both of these pursuits, as in his other Senate initiatives on behalf of all American citizens, our colleague was truly the "Happy Warrior." His philosophy and legislative diligence alone earned him the respect not only of his political allies, but of his adversaries. This alone would earn him a place in the history books.

But, he was also a man of courage—courage of a type which would see him through to the very end. Courage which would be an inspiration to every American and a hallmark to the American spirit. Last spring, Senator HUMPHREY shared a large dose of this courage with a young constituent of mine, 12-year-old Bill Ficken, who was also faced with the reality of terminal cancer. I recall the day that Bill and his mother visited with Senator HUMPHREY and me during a Joint Economic Committee meeting. He gave Bill and his mother the same "You Can't Quit" encouragement he gave to his country. He always knew that if we have faith and are devoted to our cause, that we can win in the end.

HUBERT HUMPHREY was my friend. He loved people and valued personal relationships. Probably nothing greater can be said than that. His remarkable spirit of compassion, his good humor, his magnanimity, and his warm heart will be long remembered and sorely missed. And in our remembering what he stood for and how he lived, HUBERT will know that one of his greatest goals has been achieved.

HUBERT H. HUMPHREY

Mr. KENNEDY. Mr. President, it is an honor to join today with so many friends on both sides of the aisle in paying tribute to one of our best loved and most outstanding colleagues. His death earlier this month has deprived the Congress of one of the giants in Senate history.

In commemorating his life today, we also pay tribute to the great social issues he served so well throughout his life and throughout his brilliant career in public service.

He was one of the truly illustrious statesmen in the long history of American politics. He made us all proud to be politicians. He was a great practitioner of the words of John Buchan in *Pilgrim's Way*:

Public life is regarded as the crown of a career. And to young persons, it is the worthiest ambition. Politics is still the greatest and the most honorable adventure.

I believe that history will rank HUBERT HUMPHREY among the Senate giants of the past—Clay, Calhoun, and Webster of the 19th Century, and LaFollette and Taft of the 20th Century.

To many, he was America's favorite political bridesmaid. Like Henry Clay, Senator HUMPHREY will be remembered more favorably by history than many Presidents. He joins Clay as a great American Senator who came within a hairs' breadth of the Presidency, and who enjoyed the great affection and respect of the Nation.

His narrow defeat in the 1968 election was a tragedy for Senator HUMPHREY. But it was also an American tragedy. We are still recovering from the wounds of the past 8 years. We still bear the scars. So very many things would be so very different now, if HUBERT HUMPHREY had been elected President then.

His record in the Senate is so full of landmarks and achievements that it would take a HUMPHREY speech to do them justice. Wherever you look, he left his mark as an outstanding and progressive leader.

If you called the roll of leading issues in the Senate in recent years, you would find HUBERT HUMPHREY at the helm. To all of us, he was Mr. Economy, a past chairman of the Joint Economic Committee, the father of the Humphrey-Hawkins bill. He was one of the most effective spokesmen Congress had on economic issue, doing his best to bring unemployment down, to hold the line against inflation, and to bring the economy back to health.

And that was only the beginning of his talent and great ability. His reputation as Mr. Civil Rights goes back for a generation. On foreign policy, he was Mr. Arms Control because of his leadership in seeking nuclear arms agreements and halting the flow of U.S. arms to unstable areas of the world.

He was also Mr. Agriculture for his leadership on issues vital to the farms of Minnesota and so many other States. He was Mr. Senior Citizen for his efforts to help the elderly. On everything he touched, he left it better than he found it.

He also knew how to represent the constituents of his State. I doubt that the people of Minnesota ever had a better champion of their interests. He loved his State and he served its people well.

For these and many other reasons, I believe that HUBERT HUMPHREY will go down in history as one of the finest Senators America ever had. I wish we had more like him. It is a privilege and honor for me to join in this fitting tribute to his remarkable achievements.

Mr. President, on the day after his death, Senator HUMPHREY was to have been honored in Atlanta in a Tribute From Black America at the Ebenezer Baptist Church. After Senator HUMPHREY's death, the program was changed to a memorial service, and Senator HUMPHREY's prepared statement—his last speech, a clear reaffirmation of his life long commitment to civil rights—was delivered by Ofield Dukes.

I believe that the statement will be of interest to all of us, and I ask unani-

mous consent that the statement by Senator HUBERT HUMPHREY and the introductory remarks by Mr. Dukes may be printed in the RECORD.

I also ask unanimous consent to have printed in the RECORD the eloquent eulogies delivered to Senator HUMPHREY by President Carter and Vice President MONDALE at the U.S. Capitol memorial service on January 15, and at the House of Hope Presbyterian Church in St. Paul, Minn. on January 16.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KING CENTER, BLACK LEADERS PAY TRIBUTE TO HUBERT HUMPHREY

SENATOR HUMPHREY'S FINAL SPEECH READ AT MEMORIAL PROGRAM

(SPECIAL NOTE: Mrs. Coretta Scott King, President of the Martin Luther King, Jr. Center for Social Change, and heads of major Black organizations had planned a Tribute from Black America for Senator Hubert H. Humphrey on Saturday, January 14, at the Ebenezer Baptist Church in Atlanta. The program was to be part of the 10th annual Birthday observance of Dr. Martin Luther King, Jr., with Senator Humphrey receiving the Martin Luther King, Jr. Humanitarian Award. After Senator Humphrey's death the night before, the program was changed to a Memorial Service. What turned out to be the Senator's last speech, a strong statement on civil rights, was delivered by Ofield Dukes, who was an assistant to Humphrey when he was Vice President. Mr. Dukes' remarks and the Humphrey message follow:)

REMARKS OF OFIELD DUKES

There was a touch of divine irony in the passing Friday night of the best friend that Black America has had in the higher echelons of government.

At the exact moment he died, Senator Hubert H. Humphrey was being honored by some of his closest and most loyal Black friends and supporters, the Black press (National Newspaper Publishers Association) at a dinner meeting in Miami.

During the week preceding his death, I spoke with the Senator's office every day regarding the planned tribute to him sponsored by the Martin Luther King, Jr. Center for Social Change and Black leaders throughout the country. This had particular meaning to him because, as you know, his entire public life revolved around his enthusiastic and unwavering commitment to civil rights.

Original plans called for his son, Skip, and his sister, Frances Howard, to represent him here tonight. And if circumstances permitted, he would telephone Mrs. Coretta King for a few amplified words during the ceremony.

On Friday afternoon (January 13) as I arrived at National Airport to board a flight for Miami, for the annual Mid-winter Meeting of Black editors and publishers, a member of the Senator's staff was waiting. She had a written message on the worsening condition of the Senator's health and copies of his last two speeches for me to deliver on his behalf. One speech was for the publishers' meeting on Friday night and the other was his remarks for tonight.

Knowing Senator Humphrey as I did, after spending almost three years on his staff when he was Vice President, I have a deep feeling that if he had written the scenario for the final activities of his bountiful life, he would want to be honored for his life's work. I am fairly certain he would have wanted his final speech to be on civil rights, his final words directed to his Black friends and supporters in the civil rights struggle.

I think he would have wanted the first memorial service, after his death, to be spon-

sored by the people he loved so much and who benefitted from the fruits of his labors. He would have wanted it to be held in this historic Ebenezer Baptist Church, a spiritual fortress for the civil rights movement.

And, if he had to choose a final, single award to receive, I think it would have brought tears to his eyes and pride to his soul to receive an award . . . a humanitarian award . . . named after a man he admired so very, very much . . . Dr. Martin Luther King, Jr.

For civil rights was not just a social and political cause for Hubert Humphrey. It was a part of his upbringing, his creed, an extension of his religion and something deeply imbedded in his mind, heart and spirit.

The Senator would have been pleased with the divine irony of this Memorial Program . . . I can hear him say: "Now, you know how much I love praise and kind words, but don't spend too much time extolling my virtues . . . because there is too much work yet to be done. We cannot afford to break stride . . ."

Yes, a touch of divine irony through the mysterious works of Our Lord.

Now I will read Senator Humphrey's final message.

SENATOR HUMPHREY'S FINAL MESSAGE

"Fourteen years ago Dr. Martin Luther King, Jr. shared with us his dream for America. That cherished dream of what our nation could and should be, became our dream as well. Today we come together to celebrate the forty-ninth anniversary of the birth of this champion of the rights of all people. We come together to recommit ourselves to the struggle to reach the promised land which he described from the mountain top.

"I am deeply moved by the tribute bestowed upon me tonight. To be linked to Dr. King in the battle for equal rights is a distinct honor. My only regret is that I cannot be with all of you tonight to share in your warm friendship.

"Your work, your sacrifice, your vision, your determination and your commitment to an equal chance in life for all of our people have made great progress possible. Because of your efforts, we have rewritten the nation's laws to clearly recognize equal rights for all Americans. And, don't let anyone sell this achievement short—it is monumental. Without it, equality of opportunity is not possible in education, in employment, in your neighborhood, in any important aspect of American life.

"Today, life is better for most Black Americans than it was for their parents or grandparents. Incomes are better, educational opportunities are greater, health care has improved, political influence and representation has increased, and much more. That is progress. Progress which reaches into the homes of millions of our fellow citizens and directly affects their lives. It is real progress, and we must not forget that it has occurred.

"But, we cannot be satisfied in measuring our progress solely by the distance we have come from the abominable conditions that existed in a period of gross injustice. We must face the facts. For despite our progress, a huge valley of shame separates Black and white America:

—Black family incomes average only 52 percent of white family incomes,

—Less than half of all Black people over age eighteen have a high school diploma,

—Unemployment rates for Black Americans have been double the rates for white Americans for two decades,

—Twenty-seven percent of our Black families still struggle to survive on incomes below the poverty line.

"These are only a few of the facts, but the point is clear. We are a long way from our goal of a society with equal opportunity and

justice for all. In moving toward this goal, our focus today must be on jobs—decent jobs, good paying jobs, jobs with a challenge, jobs with a future.

"That is why my first priority, and I think it should be yours, as well, is passage of the Humphrey-Hawkins Full Employment Bill. This bill will commit the government to full employment in a politically accountable manner that has never existed in the past. It will make full employment the central focus of our nation's economic policy. It will result in a new and unparalleled push for full employment in America.

"Don't listen to those who say this bill is watered down and not worth fighting for. Most of these people have no idea how national economic policy decisions are made. Many of these instant experts have never taken the time or trouble to read the bill. Some of these commentators are trying to kill the bill by convincing its supporters that it is meaningless.

"I will never deceive you, and I believe you know it. This legislation is a must. It is no miracle cure, but it is an indispensable step toward economic justice. We must keep up the fight. If we do, I assure you it will be well worth every effort you make."

REMARKS OF PRESIDENT CARTER IN EULOGY OF SENATOR HUBERT H. HUMPHREY, U.S. CAPITOL, JANUARY 15, 1978

At critical times in our history, the United States has been blessed by great people who just by being themselves give us a vision of what we are at our best and of what we might become. Hubert Humphrey was such a man.

In a time of impending social crisis 30 years ago, his was the first voice I ever heard, a lone voice persistently demanding basic human rights for all Americans.

It was the most difficult moral and social issue that my own generation would have to face. In those early days, his was a clear voice, a strong voice, a passionate voice, which recruited others to join in a battle in our own country so that equal rights of black people could be gained—to vote, to hold a job, to go to school, to own a home.

I first met Hubert Humphrey when he was Vice President, torn because his heart was filled with love and a yearning for peace while at the same time he was meticulously loyal to a President who led our nation during an unpopular war.

I also remember him in a time of political defeat courageously leading a divided Democratic Party, losing his uphill campaign for President by just a few votes. But he was a big man. And without bitterness, he gave his support to the new President, and then came back later to the Senate to serve his nation once again.

For the last year of his life I knew him best. And that's when I needed him most, despite campaign disagreements and my own harsh words, spoken under pressure and in haste. It was not his nature to forget how to love or to forgive.

He has given me, freely, what I need: the support and understanding of a close and true friend, the advice of a wise and honest counselor.

When he first visited me in the Oval Office, I felt that he should have served there.

CONSCIENCE TO NATION'S LEADERS

I know that he's been an inspiration and a conscience to us all, but especially to the leaders of our nation: to Harry Truman, to Dwight Eisenhower, to John Kennedy, to Lyndon Johnson, to Richard Nixon, to Gerald Ford, and to me.

We and our families are here today to testify that Hubert Humphrey may well have blessed our country more than any of us.

His greatest personal attribute was that he really knew how to love. There was nothing

ing abstract or remote about it. He did not love humanity only in the mass. You could feel it, in the scope of his concerns, in his words, in the clasp of his hands, in the genuine eager interest in his eyes as he looked at you.

He always spoke up for the weak and the hungry and for the victims of discrimination and poverty. He never lost sight of our own human possibilities. He never let us forget that in our democratic nation we are a family, bound together by a kinship of purpose and by mutual concern and respect.

He reminded us that we must always protect and nurture the other members of our national family.

Yesterday as messages poured in to me as President, and to the members of the Humphrey family, from throughout the world, I realized vividly that Hubert Humphrey was the most beloved of all Americans. And that his family encompassed not just the people of the United States but of all people everywhere.

He asked, as the Vice President has said, that this service be a celebration. And in a way, that's what it is. Even as we mourn his death, we celebrate because such a man as Hubert Humphrey was among us. The joy of his memory will last far longer than the pain and sorrow of his leaving.

REMARKS OF VICE PRESIDENT MONDALE IN EULOGY OF SENATOR HUBERT H. HUMPHREY, U.S. CAPITOL, JANUARY 15, 1978

Dear Muriel, the Humphrey family and guests:

There is a natural impulse at a time like this to dwell on the many accomplishments of Hubert Humphrey's remarkable life, by listing a catalogue of past events as though there were some way to quantify what he was all about. But I don't want to do that because Hubert didn't want it and neither does Muriel. Even though this is one of the saddest moments of my life and I feel as great a loss as I have even known, we must remind ourselves of Hubert's last great wish:

That this be a time to celebrate life and the future, not to mourn the past and his death. I hope you will forgive me if I don't entirely succeed in looking forward and not backward. Because I must for a moment. Two days ago as I flew back from the West over the land that Hubert loved to this city that he loved, I thought back over his life and its meaning and I tried to understand what it was about this unique person that made him such an uplifting symbol of hope and joy for all people. And I thought of the letter that he wrote to Muriel 40 years ago when he first visited Washington.

He said in that letter:

"Maybe I seem foolish to have such vain hopes and plans, but Bucky, I can see how some day, if you and I just apply ourselves and make up our minds to work for bigger things, how we can some day live here in Washington and probably be in government, politics or service. I intend to set my aim at Congress."

Hubert was wrong only in thinking that his hopes and plans might be in vain. They were not, as we all know. Not only did he succeed with his beloved wife at his side, he succeeded gloriously and beyond even his most optimistic dreams.

Hubert will be remembered by all of us who served with him as one of the greatest legislators in our history. He will be remembered as one of the most loved men of his times. And even though he failed to realize his greatest goal, he achieved something much more rare and valuable than the nation's highest office. He became his country's conscience.

Today the love that flows from everywhere enveloping Hubert flows also to you, Muriel, and the presence today here, where America bids farewell to her heroes, of President and Mrs. Carter, of former Presidents

Ford and Nixon, and your special friend and former first lady, Mrs. Johnson, attest to the love and the respect that the nation holds for both of you. That letter to Bucky, his Muriel, also noted three principles by which Hubert defined his life: work, determination and high goals. They were a part of his life's pattern when I first met him 31 years ago. I was only 18, fresh out of high school, and he was the Mayor of Minneapolis. He had then all the other sparkling qualities he maintained throughout his life: boundless good humor, endless optimism and hope, infinite interests, intense concern for people and their problems, compassion without being patronizing, energy beyond belief, and a spirit so filled with love there was no room for hate or bitterness.

He was simply incredible. When he said that life was not meant to be endured but rather to be enjoyed, you knew what he meant. You could see it simply by watching him and listening to him.

When Hubert looked at the lives of black Americans in the '40s, he saw endurance and not enjoyment, and his heart insisted that it was time for Americans to walk forthrightly into the bright sunshine of human rights.

When Hubert looked at the young who could not get a good education, he saw endurance and not enjoyment. When Hubert saw old people in ill health, he saw endurance and not enjoyment. When Hubert saw middle-class people without jobs and decent homes, he saw endurance and not enjoyment.

Hubert was criticized for proclaiming the politics of joy. But he knew that joy is essential to us and is not frivolous. He loved to point out that ours is the only nation in the world to officially declare the pursuit of happiness as a national goal. But he was also a sentimental man and that was part of life, too. He cried in public and without embarrassment. In his last major speech in his beloved Minnesota, he wiped tears from his eyes and said, "A man without tears is a man without a heart." If he cried often, it was not for himself, but for others.

Above all, Hubert was a man with a good heart. And on this sad day, it would be good for us to recall Shakespeare's words: "A good leg will fall. A straight back will stoop. A black beard will turn white. A curled pate will grow bald. A fair face will wither. A full eye will wax hollow. But a good heart is the sun and the moon. Or rather the sun and not the moon, for it shines bright and never changes, but keeps its course truly." Hubert's heart kept its course truly.

He taught us all how to hope and how to love, how to win and how to lose, he taught us how to live and, finally, he taught us how to die.

REMARKS OF PRESIDENT CARTER IN EULOGY OF SENATOR HUBERT H. HUMPHREY, HOUSE OF HOPE PRESBYTERIAN CHURCH, ST. PAUL, MINN., JANUARY 16, 1978

Not too long ago I invited Senator Humphrey to go to Camp David to spend a week-end with me. He had never been there before and he was very effusive in his thanks, telling me over and over how great a favor I had done for him. It was the greatest favor I ever did for myself.

We spent two days on top of a mountain, in front of a fireplace, just talking and listening. We talked about people, common, ordinary people and great people in our country and all around the world. With some he had very friendly and good relations. They had always supported him in his campaign and always had good things to say about him. Others had sometimes disappointed him, and he had not always had their support.

But he never said a word of criticism. He tried to search in his own mind, no matter who it was, and find something good to say.

We talked about pain, about the physical pain that I could see that he was bearing. We talked about the pain of losing a political campaign. We talked about the pain of frustration when you have high hopes and great dreams and human fallibilities won't let you realize them all. But I never detected in any of his words any bitterness.

Yesterday I was honored to speak about Hubert Humphrey at the Nation's Capitol. I talked about what he had meant to our own Nation, but he knew, as I know, and Vice President Mondale knows, that one of the responsibilities of those who serve in the White House is to look beyond our Nation's borders, to foreign countries. He traveled a lot and he told me about the world leaders with whom he had met. He told me about the months during the Vietnam War when he was Vice President and how when he rode down the streets or got off the airplane or visited a college campus with his heart full of love.

Quite often he didn't see love in the faces of the crowds who faced him, and he didn't see love on the signs and the banners that confronted him and his President. He had a yearning for peace, and we talked about the mechanisms of peace, not always a popular subject for a political figure in a nation as proud of its military strength and its great influence. But in kind of a quiet and unpublicized way, because of what was in him he was the expression of the good and decent and peaceful attributes of our great, strong, powerful Nation.

He was always dedicated to breaking the log jams in the Cold War. He expressed a deep hope that we and the Soviet Union might reach agreements on difficult questions and resolve long-standing differences and get to know each other and search for a way to reduce the mad scramble for superiority in nuclear weapons.

We talked about the Arms Control and Disarmament Agency set up now to negotiate how we might reduce and perhaps eliminate atomic weapons and I discovered almost by accident that the author of that legislation was Hubert Humphrey.

We talked about the sale of military weapons to other nations, particularly the poor nations, the developing nations, the hungry nations who respond to the temptations of technological progress and the threats from border states and come to us, above all others, and other nations as well, to buy guns and ammunition to kill.

We are trying to change that policy and we talked about it and the mechanism under which we are trying to reduce our own participation in the marketing of weapons. It is his legislation.

One of the most difficult questions that a President has to face, or even a Member of Congress, is foreign aid. It is not popular in our country to be for foreign aid programs. But one of the stalwart defenders of our foreign aid program, the leader in the Congress, was Hubert Humphrey. He didn't see foreign aid as a give-away program. He didn't see foreign aid as billions of dollars going from our Nation to others. He saw human needs.

We talked about the sick people that he had seen overseas with no medical care at all and the unbelievable hunger that he had seen in families where the average income for a whole nation was sometimes less than 25 cents a person a day.

So he saw foreign aid as a great investment from a rich nation, a pittance, almost, compared to what we earn and have that builds up a wellspring of friendship between us and those hungry people.

We talked about the newly developed interest in our own Government toward Africa, not more than a year or two old, but it was not new to Hubert Humphrey. He was familiar with Africa, the nations therein, the people who live there, their hopes and yearning.

ings and frustrations and desire to be something and to have their own governments. He knew about Asia, and he knew about Indonesia and he talked about these things, not as a lecturer, but almost as a representative of those people, not just Minnesota.

He reached beyond our borders. It was a long time after my mother went to the Peace Corps that I knew that the Peace Corps was Hubert Humphrey's idea. It was an idea that he put forward a long time ago and it was eventually adopted and put into effect when John Kennedy was President; an opportunity for American young people to go overseas for, I think, \$11 a month and get to know other people and serve them, and, along with Senator McGovern, he initiated the idea for the Food for Peace Program.

He and I talked about religion, about how deep his faith had grown since he became very ill. We talked about sin and how we know that everyone sins and we fall short of the glory of God, but how God forgives us.

Just a few days ago I was in India and I was visiting the Tomb of, a Memorial to Mahatma Gandhi, where his body was cremated. And I didn't think about Senator Humphrey—I will have to admit it—until I started to leave and one of the Indian leaders took me over to a wall and there on the wall there was a quote from Gandhi and the title of it was, "The Seven Sins," and when I saw that, I thought about Senator Humphrey's discussion on sin and I jotted it down.

According to Gandhi, the seven sins are wealth without works, pleasure without conscience, knowledge without character, commerce without morality, science without humanity, worship without sacrifice, and politics without principle.

Well, Hubert Humphrey may have sinned in the eyes of God as we all do, but according to those definitions of Gandhi's, it was Hubert Humphrey without sin.

REMARKS OF VICE PRESIDENT MONDALE IN EULOGY OF SENATOR HUBERT H. HUMPHREY, HOUSE OF HOPE PRESBYTERIAN CHURCH, ST. PAUL, MINN., JANUARY 16, 1978

Yesterday, our nation honored Hubert Humphrey in a wonderful outpouring of affection. Hubert would have liked it. But today is an even more special day—the day Hubert comes home to Minnesota for the last time, to rest in the place he loved best and the place which gave him spiritual and political sustenance. While he was an international figure and a national figure, as we in Minnesota well knew, he was always a Minnesotan and always a son of the prairie. There was something in this land and its lakes and especially its people that fed the springs of love, the streams of ideas, the torrents of enthusiasm and which nurtured the special genius and the immense humanity of Hubert Humphrey.

There was a kind of unity, of integrity in this love affair with the people of Minnesota that permitted Hubert's idealism to flower. He was a special man in a special place and I know he would want me to say today, "Thank you, Minnesota."

That mutual affection was important, for in a democracy, a leader can only pursue greatness if the people will let him. The people of Minnesota not only let him, they encouraged him, and are in a true sense a part of his greatness. I loved what a deputy sheriff was reported as saying yesterday in the paper. He said, "The people of this county thought he was an A-1, OK cat." And that's what Minnesotans think.

Carl Sandburg once said of another American hero, "You can't quite tell where the people leave off and where Abe Lincoln begins." What was true of Lincoln was surely as true of Hubert. He could not be separated from his people.

Muriel, you've heard words of praise for Hubert from many people and places. They

are genuine and they reflect the deep affection for your husband and our friend. But beyond words, I think last night when we went to the State Capitol and saw masses of people, who stood for hours in severe cold and burst into spontaneous song of celebration when you arrived, that this confirmed if there was any doubt, and there's none, that this state loved Hubert in a very special way.

Yesterday I spoke to you about Hubert. Today I would like to say: Hubert your memory lifts our spirits, just as your presence did. And though these days have been especially long and emotionally draining, you would have been very proud of Muriel, who has received in your absence, the gifts of love with dignity and courage and strength. With her here, your spirit, your joy, your good heart remains with us.

Muriel, you have been an immense part of the life we celebrate today. For 41 years of marriage and before that, you were the force and the infinite resource which sustained this wonderful man. You have shared his triumphs and his disappointments. And you have been equal to his overwhelming love and returned it to him in a way that made possible for him to be the buoyant creature he was.

As usual, Hubert said it best, when he dedicated the story—his basic book on his life—to Muriel. He said this: "To Muriel: my partner and sweetheart, who has made my way easier, my life fuller, and without whom I could not have reached out to be what I wanted to be."

What the people of Minnesota have been to him in a general way, you have been in a personal and specific way. Without you, Hubert would have had to struggle far harder to reach the esteem he did. Ultimately, the nation has learned what we who were privileged to know him longest and best, knew first. That Hubert was an incomparable creator of great plans and grand designs, but that the big picture, the master program never, never replaced what was the essence of Hubert Humphrey. The ability to touch an individual's life, often a life of a stranger—if there were any strangers in his life—and make those lives better and more joyous.

Hubert loved people in the mass, but he also loved each human being in an almost saintly way. He had time for everybody, which is why he was always late. There was an article in the Washington Post yesterday that said it nicely. He instructed his staff not to schedule him so tightly. When he walked through the halls of Congress, he wanted to be able to spend as much time as possible with ordinary people. He said, "I can rush by people or I can go by and be good and gentle. Maybe say a little word to somebody and take a little time. Don't be worried if I am a little late or something like that, I am going to take some time to say hello to some kids."

The Mayor of Waverly said this weekend, "If he met someone, the next time he saw him he'd remember his name. He had a fantastic memory. My children met him at his home and when he went to visit the school he remembered them by name." It was really more than a fantastic memory. It was a will to reach out and to say I know you, you are an individual. And people knew he felt that way. A politician may fake it for an hour, or maybe a day, but you can't fake it for a lifetime.

To Hubert it didn't make any difference who you were or where you came from. Hubert was the ultimate, ecumenical spirit. He was the Pope John of American Politics. He accepted no distinctions which denied humanity in each individual. Race, age, religion, ethnic origin, color, economic class, sex, made no difference to Hubert Humphrey. He never found a person who was not worthy of his time, concern and love. Where others wearied, he took strength. Where others turned aside, he embraced. Where others snarled, he smiled.

Where others spoke in bitterness, he spoke in love.

He was a universal man and that is why he struggled with problems of world hunger and poverty, education and medical care, of basic human conditions. That's why he worried, as few others did, about the issues of arms and nuclear holocaust. Hubert may have been wrong sometimes, he never claimed to be perfect. But when he was wrong, it was never a matter of the heart, because Hubert was a man of great and good heart.

I have tried since yesterday, to find a conclusion that was different, to say in another way what I felt about Humphrey. But I couldn't, so I would like to repeat it again. Hubert taught us all how to hope and how to love, how to win and how to lose, he taught us how to live and, finally, he taught us how to die.

LEE METCALF

Mr. KENNEDY. Mr. President, I am proud to join my colleagues today in tribute to the memory of our distinguished friend and colleague from Montana, LEE METCALF, whose death 2 weeks ago deprived the Senate of one of its most respected members.

To his colleagues, Senator METCALF was best known for his vigorous dedication to the interests of the consumer, especially his many years of effective work in the area of public utilities and utility rate reform.

But he was also an effective Senator in many other areas. I think particularly of his commitment to protecting the interests of the consumer in the long and continuing deadlock over the President's energy program. I also think of his deep commitment to tax reform, his longstanding interest in constitutional law, and his extensive study and interpretations of judicial decisions that affect the role of Congress and members of both the House and the Senate.

He was also an outstanding representative of the people of Montana. I visited Montana six times during the Presidential election campaign of 1960. I first met LEE METCALF at that time, and I saw first hand his dedication to the citizens of Montana.

He was then a Congressman, campaigning for his first Senate term. He won that election, and 2 years later I joined him in the Senate, renewing the friendship we had made in the 1960 campaign and treasuring the increasingly warm and close relationship we developed in our service together in this chamber.

Now, the Senate and the people of Montana have lost a fine and dedicated friend and public servant. We shall remember him here in the Senate with affection and respect, as we carry on the work he did so much to champion throughout his long and distinguished career.

TRIBUTE TO SENATOR HUMPHREY

Mr. CULVER. Mr. President, no American leader of our times has been more eloquently and deservedly eulogized than our late beloved colleague, Senator HUMPHREY. His achievements and his peerless personal qualities have been movingly portrayed by our President, Vice President, and other distinguished Americans. I would presume only to add a brief personal footnote to the memorable tributes he has been so rightly accorded.

No political leader in my memory has been more generous in sharing the life blood of his precious time and energy with junior colleagues in public life than HUBERT HUMPHREY. This generosity was always his hallmark, but was even more remarkable in the last days of his life when he continued to share generously when his ebbing strength made the effort almost superhuman. President Carter has spoken of the great help and comfort HUBERT was to him in the first year of his Presidency. I would add that many lesser and even obscure individuals were also beneficiaries of this great American's warmth and wisdom. Greater love and capacity for sharing had no man. There was never another like him. There never will be.

TRIBUTE TO SENATORS METCALF AND HUMPHREY

Mr. SCHMITT. Mr. President, in losing HUBERT HUMPHREY and LEE METCALF we have lost a great deal. We have lost their valuable experience. We have lost their wit and wise counsel. We have lost their legislative initiatives and their eloquence. Perhaps the greatest loss is the pleasure of their company.

My personal association with Senator METCALF began only a year ago. As westerners, we found a shared concern for conservation, for economic development, and for regulatory reform. It was an honor to serve with the Senator and a greater honor to know him.

My association with Senator HUMPHREY is somewhat longer. His support of the space program during his tenure as Vice President was total. Further, he seemed to genuinely like astronauts. We genuinely liked him back. Then I came to the Senate and I saw HUBERT HUMPHREY the exemplary Senator. His zeal for our country, his concern for his colleagues, his determination to make certain that all men and women had the equal opportunity to excel were unsurpassed. He genuinely loved the Senate. We genuinely loved him back.

TRIBUTE TO SENATOR METCALF

Mr. STEVENSON. Mr. President, LEE METCALF was a populist from the heartland of America. In his life the endeavors of government and the aspirations of the common man were one. He was strong in his convictions, plain in his speech and to the end, a friend of all who knew him and a faithful servant to the people. He fought for the common good without guile or fanfare. He struggled to make the Congress a more faithful institution of self-government. He was one of the finest, most decent and generous men I have ever had the good fortune to know. The Nation and the Senate are made poorer by the loss of this good and gentle man.

TRIBUTE TO SENATOR HUMPHREY

Mr. STEVENSON. Mr. President, no words this morning will sum up the vitality and spirit of HUBERT HUMPHREY or do justice to his work. Yet, we cannot let him go without still another word of affection and a last chance to touch the hem of his goodness. Our words are a pale reflection of our feelings.

HUBERT HUMPHREY was a man of boundless goodwill. He was spontaneous

and light-hearted. Like Jefferson and all those optimistic figures of the 19th century, he had faith in the possibilities for reason and progress in the world. He had faith in the good sense and decencies of the people and in the prospects for self-government by a free people. No failure, no defeat daunted him. He always rejoiced in what we were, was keenly aware of what we were not and remained deeply committed to what must be done.

Few men of such articulated conviction on the cutting edge of so many issues have received such acclaim. HUBERT HUMPHREY was a citizen of the world. He made the most of life. He exulted in life, even to the end. He devoted himself unremittingly to the welfare of humanity. And it is reassuring to people everywhere that he could have lived, and died, as he did.

AUTHORIZATION FOR THE RECORD TO REMAIN OPEN FOR 10 DAYS FOR EULOGIES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the RECORD remain open for 10 days for the convenience of other Senators who may not have had the opportunity on this day to express their condolences and sorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION FOR THE EULOGIES TO BE COMPILED AND PUBLISHED AS SENATE DOCUMENTS

Mr. ROBERT C. BYRD. Mr. President, I further ask unanimous consent that at the end of that period all eulogies with respect to our late departed colleagues be compiled and published as Senate documents.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business so as to accommodate Senators in the introduction of statements, resolutions, bills, petitions, and memorials.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO JOHN MCCLELLAN

Mr. GRIFFIN. Mr. President, one of the giants of the Senate, John McClellan, died, and I have not heretofore spoken concerning his death.

An eminent South Carolinian, John C. Calhoun, once said:

The very essence of free government consists in considering offices as a public trust, bestowed for the good of the country, and not for the benefit of an individual or party.

It seems most appropriate to recall those words as we reflect on the service of another towering statesman from the South, our good friend and colleague, John L. McClellan.

John McClellan felt strongly about the

principle that service in public office is a public trust. He served his country mostly in the Senate, during three wars and the vast social and political upheavals that surrounded them. Through it all he held steadfast to other ideals as well which guided his life. They included his dedication to the principle of law and order as the foundation of a civilized people, his abiding sense of fairness, and his unswerving belief that this Nation's fate must ultimately rest with the people.

He came into national prominence in the mid-1950's when the Senate Permanent Investigations Subcommittee, which he headed, exposed abuses in labor unions and the insidious role of organized crime, particularly the Mafia, in this country. The committee's long and dramatic inquiry aroused the Nation to the dangers from lawless elements in its midst, and led to concerted Federal efforts to bring the guilty to justice.

Later, as chairman of the Senate Appropriations Committee, John McClellan used his great influence for Federal fiscal responsibility and a strong national defense in an uncertain and challenging world.

As a member of the Senate Judiciary Committee, he was not privileged to live to see the final enactment of what could become the outstanding monument of his career—the revision and simplification of Federal criminal statutes. This undertaking, to which he devoted years of grinding study and work, may well stand as the ultimate fruit of his devotion to the high principles of law and order.

While he attained national prominence, John McClellan never forgot where he came from. He worked unceasingly for the development of the waterways of Arkansas and its natural resources, and the attraction of new industry that would provide for those who sent him to the Senate a more abundant life.

It was not only in his public life that John McClellan revealed his amazing strength of character. His personal life was marked by tragedy in the loss of three sons in their young manhood—and he found, as his good friends knew, within himself the faith and courage to go on where other might have faltered.

John McClellan was often pictured in the media as dour and uncompromising. To those who worked with him and knew him well, he was a person of extraordinary grace and charm.

His announcement shortly before his death that he would not seek reelection to the Senate was expressed with typical dignity and felicity. He said there was a season for everything and the time had come (he would have been 82 years old on February 25) to retire from public life.

John McClellan often fretted that he was not able to accomplish as much as he would like. When we, who were his colleagues, reflect on what it meant to have the privilege of working with him through the years, we have little to regret—except that we could not have had his living example in our midst a little longer.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirton, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE FEDERAL PREVAILING RATE ADVISORY COMMITTEE—MESSAGE FROM THE PRESIDENT—PM 142

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report, which, without being read, was referred to the Committee on Governmental Affairs:

To the Congress of the United States:
In accordance with section 5347(e) of title 5 of the United States Code, I hereby transmit to you the 1976 Annual Report of the Federal Prevailing Rate Advisory Committee.

While not specifically addressed in the attached report, I want to express my concern that little progress appears to have been made in reforming the prevailing rate system for adjusting wages of Federal blue collar employees. In my February 22, 1977 message to the Congress, I strongly recommended early enactment of legislation to correct those provisions of current law that cause significant departures from the local prevailing rate principle, and result in an unfair competitive advantage for the Federal Government and unjustifiable payroll costs. A draft bill which would achieve these objectives was submitted to the Congress early last year. I am convinced that this bill will correct the most serious deficiencies in the prevailing rate system and I wish to reiterate my concern for its passage.

JIMMY CARTER.

THE WHITE HOUSE, January 24, 1978.

MESSAGES FROM THE HOUSE

At 12:19 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its reading clerks, announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 8771. An act to amend title 5, United States Code, to authorize the Civil Service Commission to comply with the terms of a court decree, order, or property settlement in connection with the divorce, annulment, or legal separation of a Federal employee who is under the civil service retirement system, and for other purposes;

H.R. 9165. An act to authorize the Secretary of State to acquire a statue or bust of George C. Marshall for placement in the Department of State;

H.R. 9169. An act to amend title XI of the Merchant Marine Act, 1936, to permit the

guarantee of obligations for financing fishing vessels in an amount not exceeding 87½ per centum of the actual or depreciated actual cost of each vessel; and

H.R. 9471. An act to amend title 5, United States Code, to provide that Japanese-Americans shall be allowed civil service retirement credit for time spent in World War II internment camps.

HOUSE BILLS REFERRED

The following bills were read twice by their titles and referred as indicated:

H.R. 8771. An act to amend title 5, United States Code, to authorize the Civil Service Commission to comply with the terms of a court decree, order, or property settlement in connection with the divorce, annulment, or legal separation of a Federal employee who is under the civil service retirement system, and for other purposes; to the Committee on Governmental Affairs.

H.R. 9165. An act to authorize the Secretary of State to acquire a statue or bust of George C. Marshall for placement in the Department of State; to the Committee on Foreign Relations.

H.R. 9169. An act to amend title XI of the Merchant Marine Act, 1936, to permit the guarantee of obligations for financing fishing vessels in an amount not exceeding 87½ per centum of the actual or depreciated actual cost of each vessel; to the Committee on Commerce, Science, and Transportation.

H.R. 9471. An act to amend title 5, United States Code, to provide that Japanese-Americans shall be allowed civil service retirement credit for time spent in World War II internment camp; to the Committee on Governmental Affairs.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The Presiding Officer laid before the Senate the following communications, together with accompanying reports, which were referred as indicated:

EC-2571. A communication from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the Fiscal Year 1979 Budget (with accompanying documents); to the Committee on Appropriations and the Committee on the Budget, jointly, by unanimous consent.

EC-2572. A communication from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals, January 1978 (with an accompanying report); to the Committee on Appropriations, the Committee on the Budget, the Committee on Armed Services, the Committee on the Judiciary, the Committee on Governmental Affairs, the Committee on Foreign Relations, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Human Resources, the Committee on Finance, and the Committee on Banking, Housing, and Urban Affairs, jointly, pursuant to order of January 30, 1978.

EC-2573. A communication from the Secretary of Agriculture, transmitting, pursuant to law, notice of further revision to the regulations governing operations under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (Public Law 480) (with accompanying papers); to the Committee on Agriculture, Nutrition, and Forestry.

EC-2574. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation to repeal the Tobacco Seed and Plant Exportation Act of 1940 (with

accompanying papers); to the Committee on Agriculture, Nutrition, and Forestry.

EC-2575. A communication from the Assistant Secretary and Chairperson, National Advisory Council on Maternal, Infant and Fetal Nutrition, transmitting, pursuant to law, the 1977 annual report of the National Advisory Council on Maternal, Infant and Fetal Nutrition (with an accompanying report); to the Committee on Agriculture, Nutrition, and Forestry.

EC-2576. A communication from the Assistant Secretary for Food and Consumer Services, Department of Agriculture, transmitting, pursuant to law, a Study of the Factors Affecting Meal Quality Under the Summer Program (with an accompanying document); to the Committee on Agriculture, Nutrition, and Forestry.

EC-2577. A communication from the Acting Director, Office of Management and Budget, Executive Office of the Secretary, reporting, pursuant to law, that the appropriation to the Department of the Treasury for "Salaries and expenses," United States Service for the fiscal year 1978 has been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriations; to the Committee on Appropriations.

EC-2578. A communication from the Acting Director, Office of Management and Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Smithsonian Institution for "Salaries and Expenses" for the fiscal year 1978 has been apportioned on a basis which indicates a necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

EC-2579. A communication from the Acting Director, Office of Management and Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the National Gallery of Art for "Salaries and Expenses" for the fiscal year 1978 has been apportioned on a basis which indicates a necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

EC-2580. A communication from the Acting Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, approval of an REA insured loan in the amount of \$5,442,000 to San Luis Valley Rural Electric Cooperative, Inc., of Monte Vista, Colorado (with accompanying papers); to the Committee on Appropriations.

EC-2581. A communication from the Acting Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, approval of an REA insured loan in the amount of \$2,607,000 to Plumas-Sierra Rural Electric Cooperative, Inc., of Portola, California (with accompanying papers); to the Committee on Appropriations.

EC-2582. A communication from the Acting Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, approval of an REA insured loan in the amount of \$14,765,000 to Tri-State Generation and Transmission Association, Inc., of Thornton, Colorado, for the financing of certain transmission facilities (with accompanying papers); to the Committee on Appropriations.

EC-2583. A communication from the Acting Administrator, Rural Electrification Administration, Department of Agriculture, reporting, pursuant to law, approval of an REA insured loan to Plains Electric Generation and Transmission Cooperative, Inc., of Albuquerque, New Mexico, in the amount of \$3,675,000, which includes \$2,756,000 to finance certain transmission facilities, the remaining funds to be used to finance headquarters facilities (with accompanying papers); to the Committee on Appropriations.

EC-2584. A communication from the Chairman, Federal Communications Commission, reporting, pursuant to law, on a violation of Section 3679 of the Revised Statutes, as amended (with accompanying papers); to the Committee on Appropriations.

EC-2585. A communication from the Secretary, Railroad Retirement Board, reporting, pursuant to law, that no apportionment request was made for the 1977 fiscal year supplemental appropriation for the Regional Rail Transportation Protective Account nor was apportionment requested for the unobligated balance (carryover) remaining at the end of fiscal year 1977; to the Committee on Appropriations.

EC-2586. A communication from the Secretary of the Navy, transmitting a draft of proposed legislation to amend chapter 5, title 37, United States Code, to restructure the rates of special pay for sea duty (with accompanying papers); to the Committee on Armed Services.

EC-2587. A communication from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, reports of military construction projects placed under contract in Fiscal Year 1977 in which it was necessary to exceed the amount authorized for the project by the Congress by more than twenty-five percent, or reduce the project scope by more than twenty-five percent (with accompanying reports); to the Committee on Armed Services.

EC-2588. A communication from the Director, Defense Security Assistance Agency, and Deputy Assistant Secretary (ISA), Security Assistance, transmitting, pursuant to law, the required information concerning the Department of the Army's proposed Letter of Offer to the United Kingdom for Defense Articles estimated to cost in excess of \$25 million (with accompanying papers); to the Committee on Armed Services.

EC-2589. A communication from the Director, Defense Civil Preparedness Agency, reporting, pursuant to law, on property acquisitions of emergency supplies and equipment for the quarter ending December 31, 1977; to the Committee on Armed Services.

EC-2590. A communication from the Director, Defense Civil Preparedness Agency, transmitting, pursuant to law, a report on financial contributions to the states, personnel and administration (Reports Control Symbol DCPA/CONG(A)(2) for the fiscal year ending September 30, 1977 (with an accompanying report); to the Committee on Armed Services.

EC-2591. A communication from the President and Chairman, Export-Import Bank, reporting, pursuant to law, on an Eximbank transaction with Furnas Centrais Electricas S.A. (FURNAS); to the Committee on Banking, Housing, and Urban Affairs.

EC-2592. A communication from the Comptroller General of the United States, reporting, pursuant to law, on loan activities of the Lockheed Aircraft Corporation, Burbank, California; to the Committee on Banking, Housing, and Urban Affairs.

EC-2593. A communication from the Acting Chairman, National Transportation Safety Board, reporting, pursuant to law, on probable cause in General Aviation Accident of April 30, 1977, Englewood, Colorado (with accompanying papers); to the Committee on Commerce, Science, and Transportation.

EC-2594. A communication from the President, United States Railway Association, transmitting, pursuant to law, (1) a justification for an FY 1978 supplemental appropriation in the amount of \$13 million; and (2) a justification for an FY 1979 appropriation in the amount of \$27.2 million (with an accompanying document); to the Committee on Commerce, Science, and Transportation.

EC-2595. A communication from the President, United States Railway Association, transmitting, pursuant to law, the fourth annual report of the United States Railway Association (with an accompanying report); to the Committee on Commerce, Science, and Transportation.

EC-2596. A communication from the Secretary of Transportation, transmitting, pursuant to law, a calendar year 1977 report on the utilization of the authority granted in 37 U.S.C. 306 (to pay special pay to U.S. Coast Guard officers holding positions of unusual responsibility and of critical nature) (with an accompanying report); to the Committee on Commerce, Science, and Transportation.

EC-2597. A communication from the Chairman, Consumer Product Safety Commission, transmitting, pursuant to law, the Consumer Product Safety Commission's fiscal year 1979 budget request (with an accompanying document); to the Committee on Commerce, Science, and Transportation.

EC-2598. A communication from the Chairman, Federal Maritime Commission, transmitting a draft of proposed legislation to amend the Intercoastal Shipping Act, 1933, to make public the financial reports of common carriers by water in interstate commerce, and for other purposes (with accompanying papers); to the Committee on Commerce, Science, and Transportation.

EC-2599. A communication from the Secretary of the Interior, transmitting a draft of proposed legislation to designate certain lands in the State of Alaska as units of the National Park, National Forest, National Wildlife Refuge, Wild and Scenic Rivers and National Wilderness Preservation System, and for other purposes (with accompanying papers); to the Committee on Energy and Natural Resources.

EC-2600. A communication from the Secretary of Transportation, transmitting, pursuant to law, the second annual report reviewing the progress made in formulating average automotive fuel economy standards (with an accompanying report); to the Committee on Energy and Natural Resources.

EC-2601. A communication from the Acting General Counsel, Department of Energy, transmitting, pursuant to law, notices of meetings related to the International Energy Program (with accompanying papers); to the Committee on Energy and Natural Resources.

EC-2602. A communication from the President, National Academy of Sciences, transmitting, pursuant to law, a report entitled "Response to the Ozone Protection Sections of the Clean Air Act Amendments of 1977: An Interim Report" (with an accompanying report); to the Committee on Environment and Public Works.

EC-2603. A communication from the Deputy Assistant Secretary, Department of the Interior, reporting, pursuant to law, on deferments granted under authority of the Act of September 21, 1959 (73 Stat. 584), amending the Reclamation Project Act of 1939; to the Committee on Energy and Natural Resources.

EC-2604. A communication from the Chairman, Pennsylvania Avenue Development Corporation, transmitting a draft of proposed legislation to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations and borrowings from the United States Treasury to further implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes (with accompanying papers); to the Committee on Energy and Natural Resources.

EC-2605. A communication from the Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report, dated January 1, 1978, on the program of

research and monitoring of the stratosphere during the years 1975 through 1977 (with an accompanying report); to the Committee on Environment and Public Works.

EC-2606. A communication from the Chairman, Advisory Committee on Reactor Safeguard, Nuclear Regulatory Commission, transmitting, pursuant to law, a report on the safety research program of the United States Nuclear Regulatory Commission (with an accompanying report); to the Committee on Environment and Public Works.

EC-2607. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report on the progress of the Upper Atmospheric Research Program, January 1, 1978 (with an accompanying report); to the Committee on Environment and Public Works.

EC-2608. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus which proposes the acquisition of space by lease in Arlington, Virginia (with accompanying papers); to the Committee on Environment and Public Works.

EC-2609. A communication from the Office of Congressional Affairs, Nuclear Regulatory Commission, reporting, pursuant to law, the execution of a research contract which omitted the "Examination of Records By the Comptroller General" Provision from the usual contract format; to the Committee on Environment and Public Works.

EC-2610. A communication from the Deputy Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, a statement of liabilities and other financial commitments of the United States government as of September 30, 1977 (with an accompanying document); to the Committee on Finance.

EC-2611. A communication from the Chairman, United States International Trade Commission, transmitting, pursuant to law, the twelfth quarterly report on trade between the United States and the nonmarket economy countries (with an accompanying report); to the Committee on Finance.

EC-2612. A communication from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report concerning grants approved which are financed wholly with Federal funds (with an accompanying report); to the Committee on Finance.

EC-2613. A communication from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, the second annual report on the Child Support Enforcement program, December 31, 1977 (with an accompanying report); to the Committee on Finance.

EC-2614. A communication from the Chairman, United States International Trade Commission, transmitting, pursuant to law, the 28th report of the United States International Trade Commission on the operation of the Trade agreements program (with an accompanying report); to the Committee on Finance.

EC-2615. A communication from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting, pursuant to law, standards relating to Part 232, Special Provisions Applicable to Title IV-A of the Social Security Act, Good Cause for Refusing to Cooperate (with an accompanying document); to the Committee on Finance.

EC-2616. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report entitled "Combined Statement of Receipts, Expenditures and Balances of the United States Government for the Fiscal Year Ended September 30, 1977" (with an accompanying report); to the Committee on Finance.

EC-2617. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements other than treaties entered into by the United States within sixty days after execution thereof (with accompanying papers); to the Committee on Foreign Relations.

EC-2618. A communication from the Chairman, Board for International Broadcasting, transmitting, pursuant to law, the Fourth Annual Report of the Board for International Broadcasting (with an accompanying report); to the Committee on Foreign Relations.

EC-2619. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements other than treaties entered into by the United States within sixty days after execution thereof (with accompanying papers); to the Committee on Foreign Relations.

EC-2620. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements other than treaties entered into by the United States within sixty days after execution thereof (with accompanying papers); to the Committee on Foreign Relations.

EC-2621. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements other than treaties entered into by the United States within sixty days after execution thereof (with accompanying papers); to the Committee on Foreign Relations.

EC-2622. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements other than treaties entered into by the United States within sixty days after execution thereof (with accompanying papers); to the Committee on Foreign Relations.

EC-2623. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Special Pesticide Registration by the Environmental Protection Agency Should Be Improved," January 9, 1978 (with an accompanying report); to the Committee on Governmental Affairs.

EC-2624. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Federal Agencies Should Be Given General Multiyear Contracting Authority for Supplies and Services," January 10, 1978 (with an accompanying report); to the Committee on Governmental Affairs.

EC-2625. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Worker Assistance Under the Trade Act of 1974—Problems in Assisting Auto Workers," Department of Labor, January 11, 1978 (with an accompanying report); to the Committee on Governmental Affairs.

EC-2626. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, an act adopted by the Council on October 11, 1977, which would impose a tax on hotel occupancy, to extend the surtax on corporations and unincorporated businesses, and for other purposes (Act 2-127) (with accompanying papers); to the Committee on Governmental Affairs.

EC-2627. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Federal and District of Columbia Employees Need To Be in Separate Pay and Benefit Systems," January 12, 1978 (with an accompanying report); to the Committee on Governmental Affairs.

EC-2628. A communication from the Comptroller General of the United States,

transmitting, pursuant to law, a report entitled "Financial Status of Acquisitions, September 30, 1977," January 20, 1978 (with an accompanying report); to the Committee on Governmental Affairs.

EC-2629. A communication from the Chairman, Indian Claims Commission, reporting, pursuant to the Government in the Sunshine Act, P.L. 94-409, 5 U.S.C. 552b(j); to the Committee on Governmental Affairs.

EC-2630. A communication from the Mayor of the District of Columbia, transmitting a draft of proposed legislation to amend section 502 of the District of Columbia Self-Government and Governmental Reorganization Act (with accompanying papers); to the Committee on Governmental Affairs.

EC-2631. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Uniform Accounting and Workload Measurement Systems Needed for Department of Defense Medical Facilities," January 17, 1978 (with an accompanying report); to the Committee on Governmental Affairs.

EC-2632. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Standardization in NATO: Improving the Effectiveness and Economy of Mutual Defense Efforts," January 19, 1978 (with an accompanying report); to the Committee on Governmental Affairs.

EC-2633. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, an act adopted by the Council on December 6, 1977, which would exempt all veterans in the District of Columbia who are totally and permanently disabled from paying the applicable motor vehicle registration fee for their personal noncommercial motor vehicles (Act 2-128) (with accompanying papers); to the Committee on Governmental Affairs.

EC-2634. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, an act adopted by the Council on October 25, 1977, which would provide for the technical amendment of the Firearms Control Regulations Act of 1975, and for other purposes (Act 2-129) (with accompanying papers); to the Committee on Governmental Affairs.

EC-2635. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, an act adopted by the Council on October 11, 1977, which would amend certain sections of the District of Columbia Age of Majority Act to include incorporators, and for other purposes (Act 2-131) (with accompanying papers); to the Committee on Governmental Affairs.

EC-2636. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, an act adopted by the Council on November 8, 1977, which would regulate the practice of public accounting in the District of Columbia; to authorize the creation of a board of accountancy and to prescribe its powers and duties; and for other purposes (Act 2-130) (with accompanying papers); to the Committee on Governmental Affairs.

EC-2637. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "The Environmental Protection Agency Needs Congressional Guidance and Support to Guard the Public in a Period of Radiation Proliferation," January 20, 1978 (with an accompanying report); to the Committee on Governmental Affairs.

EC-2638. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports of the General Accounting Office issued or released in December 1977 (with an accompanying document); to the Committee on Governmental Affairs.

EC-2639. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, an act adopted by the Council on January 10, 1978, which would provide for the conveyance of certain real property of the District of Columbia to the Pennsylvania Avenue Development Corporation, and for other purposes (Act 2-132) (with accompanying papers); to the Committee on Governmental Affairs.

EC-2640. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "National Water Quality Goals Cannot Be Attained Without More Attention to Pollution From Diffused or 'Nonpoint' Sources," December 20, 1977 (with an accompanying report); to the Committee on Governmental Affairs.

EC-2641. A communication from the Chairman, Commission on Federal Paperwork, transmitting, pursuant to law, a report with recommendations entitled "Information Value/Burden Assessment," September 9, 1977 (with an accompanying report); to the Committee on Governmental Affairs.

EC-2642. A communication from the Chairman, Commission on Federal Paperwork, transmitting, pursuant to law, a report with recommendations entitled "The Federal Information Locator System," July 15, 1977 (with an accompanying report); to the Committee on Governmental Affairs.

EC-2643. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Audit of the United States Capitol Historical Society for the Year Ended January 31, 1977," January 9, 1978 (with an accompanying report); to the Committee on Governmental Affairs.

EC-2644. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Section 236 Rental Housing—An Evaluation With Lessons for the Future," January 10, 1978 (with an accompanying report); to the Committee on Governmental Affairs.

EC-2645. A communication from the Executive Secretary to the Department of Health, Education, and Welfare, transmitting, pursuant to law, final regulations, Basic Skills Research Grants Program (with accompanying papers); to the Committee on Human Resources.

EC-2646. A communication from the Chairman, Vice Chairman, and Commissioners, Commission on Civil Rights, transmitting, pursuant to law, a report entitled "The Age Discrimination Study," December 1977 (with an accompanying report); to the Committee on Human Resources.

EC-2647. A communication from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report entitled "Health, United States, 1976-1977" (with an accompanying report); to the Committee on Human Resources.

EC-2648. A communication from the Chairman, National Advisory Council on Services and Facilities for the Developmentally Disabled, transmitting, pursuant to law, an annual evaluation report, December 1977 (with an accompanying report); to the Committee on Human Resources.

EC-2649. A communication from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report on the direct and affiliated medical residency program data (with an accompanying report); to the Committee on Human Resources.

EC-2650. A communication from the Chairman, Commission on Civil Rights, transmitting, pursuant to law, a report entitled "The Federal Civil Rights Enforcement Effort—1977. To Eliminate Employment Discrimination: A Sequel," December 1977 (with an accompanying report); to the Committee on Human Resources.

EC-2651. A communication from the Chairman and Commissioners, Indian Claims Commission, transmitting, pursuant to law, the 1977 annual report of the Indian Claims Commission (with an accompanying report); to the Select Committee on Indian Affairs.

EC-2652. A communication from the Attorney General of the United States, transmitting, pursuant to law, the Attorney General's biennial report on federal law enforcement and criminal justice assistance activities (with an accompanying report); to the Committee on the Judiciary.

EC-2653. A communication from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports covering the period December 16 through December 30, 1977, concerning visa petitions which the Service has approved according to the beneficiaries of such petitions third- and sixth-preference classification (with accompanying reports); to the Committee on the Judiciary.

EC-2654. A communication from the Administrative Officer, International Boundary and Water Commission, United States and Mexico, transmitting, pursuant to law, a report relating to the Freedom of Information Act, covering calendar year 1977 (with an accompanying report); to the Committee on the Judiciary.

EC-2655. A communication from the Clerk, United States Court of Claims, transmitting, pursuant to law, a statement setting forth all the judgments rendered by the United States Court of Claims for the year ended September 30, 1977 (with an accompanying document); to the Committee on the Judiciary.

EC-2656. A communication from the Administrator, Veterans Administration, transmitting, pursuant to law, a report for fiscal year 1977 on the nature and disposition of all cases in which an institution, approved for Veterans Benefits, utilizes advertising, sales or enrollment practices which are erroneous, deceptive, or misleading, either by actual statement, omission, or intimation (with an accompanying report); to the Committee on Veterans' Affairs.

PETITIONS

The PRESIDING OFFICER laid before the Senate the following petitions which were referred as indicated:

POM-434. A resolution adopted by the Legislature of the State of Michigan; to the Committee on Commerce, Science, and Transportation:

"HOUSE RESOLUTION No. 316

"Whereas, An official Coast Guard inquiry into the sinking of the freighter Edmund Fitzgerald during a Lake Superior gale on November 10, 1975, has raised more questions than it has answered; and

"Whereas, The Coast Guard's claim that the Fitzgerald sunk after taking in water for several hours through leaking hatch covers has been disputed by both the Seafarers International Union and the Great Lakes Carriers Association. However, these two groups are not in agreement as to the cause of the sinking. Furthermore, the seaman's union has voiced accusations that the Coast Guard has failed to implement recommendations made by two boards of inquiry after previous sinkings; and

"Whereas, Such disputes and charges indicate that the full story of the sinking of the Edmund Fitzgerald may not yet have been told. For the prevention of further tragedies and the preservation of the Great Lakes shipping industry's integrity, a full and impartial investigation should be made of the Edmund Fitzgerald disaster; now, therefore, be it

"Resolved by the House of Representatives, That the United States Congress be hereby

urged to investigate the sinking of the Edmund Fitzgerald; and be it further

"Resolved, That copies of this resolution be transmitted to the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, and to each member of the Michigan delegation to the Congress of the United States."

POM-435. A resolution adopted by the Capitol City Regional Association, Oakdale, Minn., regarding funding for the National Fire Academy, NFPCA; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SASSER, from the Committee on Governmental Affairs, with an amendment:

S. 666. A bill to allow Federal employment preference to certain employees of the Bureau of Indian Affairs, and to certain employees of the Indian Health Service, who are not entitled to the benefits of, or who have been adversely affected by the application of, certain Federal laws allowing employment preference to Indians, and for other purposes (Rept. No. 95-615).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. MATSUNAGA:

S. 2415. A bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the uniformed services to receive compensation concurrently with retired pay, without deduction from either; to the Committee on Veterans' Affairs.

By Mr. JAVITS (for himself and Mr. KENNEDY):

S. 2416. A bill to amend title VIII of the Public Health Service Act to extend for 2 fiscal years the program of assistance for nurse training; to the Committee on Human Resources.

By Mr. DOLE:

S. 2417. A bill to amend section 813 of the Agricultural Act of 1970 in order to require the Secretary of Agriculture to purchase 3 million tons of feed grains for inclusion in the disaster reserve provided for in such section; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MATHIAS:

S. 2418. A bill for the relief of the Fondation Josee et Rene de Chambrun; to the Committee on Finance.

By Mr. INOUE (for himself and Mr. MATSUNAGA):

S. 2419. A bill to authorize the Secretary of the Navy to convey to the State of Hawaii certain lands referred to as the Navy drum storage area for educational purposes; to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JAVITS (for himself and Mr. KENNEDY):

S. 2416. A bill to amend title VIII of the Public Health Service Act to extend for 2 fiscal years the program of assistance for nurse training; to the Committee on Human Resources.

NURSE TRAINING AMENDMENTS OF 1978

Mr. JAVITS. Mr. President, I am pleased to introduce this 2-year extension of the Nurse Training Act. Members

of the Senate will remember our problems in enacting the 1975 version of this law. First it was pocket vetoed, then after we carefully reconsidered and revised that version it was vetoed by the President. However, both houses firmly indicated their strong support for nurse education by overwhelmingly overriding the President's veto (House 384 to 43; Senate 67 to 15).

Since then we have had to continue showing our support for nursing education in each appropriation bill, because of administration failure to give nursing a high budget priority. I hope this may now be ended.

This bill is a straight 2-year extension of existing nurse training authorities with only one revision. Financial distress grants (section 815) have been deleted and the \$5 million authorized there added to the special projects grants (section 820). If capitation funds are made available to the schools, as the Congress has provided for annually through the appropriations process, the schools of nursing have indicated that there is no need for distress grants.

Also, because the special projects have been funded at their authorization limit for several years, the impetus for these project grants to generate new educational initiatives is being slowed. The additional \$5 million will greatly assist these needed efforts.

Ten years ago I authored a major amendment to the Nurse Training Act to provide funds for recruitment and retention of minority students in schools of nursing. That effort has demonstrated positive results. In fact, now one of the options for schools to be eligible for capitation is to increase enrollment of minority students. I trust that the progress stemming from those early grants and contracts is being shared with all nursing schools and with other groups so that opportunities for minority students can be maximized.

During the Human Resources Committee's last hearings on nursing education, data on maldistribution of RN's and the factors contributing to that maldistribution were requested. Several studies are now in process which will provide data for the various States. In addition, the nursing profession is also funding a study on credentialing mechanisms and another on the appropriate entry level preparation for professional nursing. HEW recently sent the Congress a long overdue initial progress report on the current nurse education program, and another report is pending.

Once those activities and studies have been completed during the extension period, our committee will be in a much better position to develop permanent reforms to meet future needs.

Senator KENNEDY, chairman of the Subcommittee on Health and Scientific Research of the Human Resources Committee, has joined with me in cosponsoring this legislation and indicates rapid action by the subcommittee prior to the May 15 budget deadline.

By Mr. DOLE:

S. 2417. A bill to amend section 813 of the Agricultural Act of 1970 in order to require the Secretary of Agriculture to

purchase 3 million tons of feed grains for inclusion in the disaster reserve provided for in such section; to the Committee on Agriculture, Nutrition, and Forestry.

DISASTER GRAIN RESERVE

Mr. DOLE. Mr. President, today I introduce legislation mandating the Secretary of Agriculture to implement the disaster grain reserve provisions of the Food and Agriculture Act of 1977.

HISTORY OF DISASTER RESERVE

The disaster grain reserve was established in 1973 as a separate reserve of Commodity Credit Corporation inventories of wheat, feed grains, and soybeans for the sole purpose of alleviating distress caused by natural disaster. Stocks in the reserve, which was not to exceed 75 million bushels, were not subject to normal CCC sales, but were to be held for distribution, or sale at beneficial prices, to disaster-stricken livestock owners.

Prior to 1977, stocks for the disaster reserve could only be acquired through the price support programs. Consequently, there were insufficient stocks to cope with the feed emergency caused by drought conditions in the upper Great Plains States in 1976. By November 1976, all stocks available for assistance to drought-stricken livestock owners were depleted.

In order to provide continued assistance, the Department of Agriculture was forced to call upon the Federal Disaster Assistance Administration to use emergency authorities provided in the Disaster Relief Act of 1974. Three hastily conceived programs were rushed into existence under authority of the Disaster Relief Act. These programs were the hay transportation program, the cattle transportation program, and the emergency feed program.

My colleagues may recall that our experience with these three programs was far from satisfactory. Without going into details, I need only point to the highly critical program assessments released in 1977 by the General Accounting Office and by USDA's Office of Audit.

NEED FOR AMPLE RESERVE

The inadequacies of the hay transportation, cattle transportation, and emergency feed programs underscored the value and importance of the Disaster Grain Reserve. In order to assure that reserve stocks would be adequate to meet the needs of any future disaster, Congress gave the Secretary of Agriculture authority in the Food and Agriculture Act of 1977 to purchase stocks on the market if price support stocks were inadequate.

Unfortunately, the Secretary has not made us of this authority. The reserve has been empty since the last stocks of oats were depleted in November 1976.

With these considerations in mind, I introduce legislation today to increase the capacity of the disaster grain reserve to 3 million metric tons, and to require the Secretary of Agriculture to stock the reserve to capacity within 6 months of enactment of my bill.

Hopefully, the prolonged drought experience of 1976 and 1977 will not recur in 1978. But if drought or any other

natural disaster, befalls our already troubled livestock producers in 1978, we must be prepared to respond with adequate assistance. I therefore, urge my colleagues in the Senate to give prompt and favorable consideration to this legislation.

By Mr. INOUE (for himself and Mr. MATSUNAGA):

S. 2419. A bill to authorize the Secretary of the Navy to convey to the State of Hawaii certain lands referred to as the Navy drum storage area for educational purposes; to the Committee on Armed Services.

Mr. INOUE. Mr. President, I am introducing today, with Senator MATSUNAGA, a bill to authorize the Secretary of the Navy to convey to the State of Hawaii certain lands referred to as the Navy drum storage area, for educational purposes.

The Navy drum storage areas comprises approximately 43,813 acres of land located near the Pearl Harbor Naval Base, on the western boundary of Leeward Community College and is used by the Navy for fuel storage and supply purposes. As early as 1966, the University of Hawaii expressed interest in acquiring this land in order to provide for the expansion of the college. Despite a thorough investigation by the Navy and the State, of the means available to accomplish a transfer, no solution satisfactory to all parties concerned has been reached within existing legislative and procedural constraints. Accordingly the Governor has sought the help of the Hawaii congressional delegation to sponsor enabling legislation; that is, legislation that would provide for the replacement of the Navy facility on other Navy-owned property. The bill that I am submitting today will accomplish this by directing the State of Hawaii to pay to the Navy the fair market value of the property to be used for site preparation and construction of a replacement facility. A similar transfer was accomplished by Public Law 93-166, 93d Congress, which authorized the conveyance of the Fort Ruger land to the State of Hawaii for educational purposes.

Leeward Community College currently serves the academic and vocational training needs of about 5,177 students. Enrollment trends indicate that a significant increase in the student body can be expected over the next few years. The construction of the facilities necessary to accommodate this growth will, within 4 to 6 years, deplete all lands available within the present site. Once this happens the Naval drum storage area will be needed by the college to provide space for further enrollment increases and for the construction of facilities for new vocational programs. In the very immediate future, the acquisition of the drum storage area will furnish the necessary land resources for the school's recreational instructors program and for the recreation of its students including intramural activities.

In a 1974 letter to Christopher Cobb, chairman of the Board of Land and Natural Resources, the Commandant of the 14th Naval District, Rear Adm. T. W. McNamara agreed that the highest and

best use of the Naval drum storage land would be for educational purposes. I cannot agree more with this assertion and I am most pleased with the cooperation and help the Navy has given this effort to legislatively effect a land transfer that will greatly benefit Hawaii's youth.

Mr. President, I ask unanimous consent to have the text of my bill printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, the Secretary of the Navy or his designee is hereby authorized to convey to the State of Hawaii, subject to the terms and conditions hereafter stated, and to such other terms and conditions as the Secretary of the Navy or his designee shall deem to be in the public interest, all right, title, and interest of the United States in and to certain land, with improvements thereon, referred to as the Navy Drum Storage area as described in section 3.

SEC. 2. In consideration for the conveyance between the United States of the property described in section 3, the State of Hawaii shall pay to the United States the fair market value of the property to be conveyed, as determined by the Secretary of Navy, or his designee, the money so paid shall be available for site preparation and construction by the Navy of the new storage facilities to replace the Navy Drum Storage Facilities (Ewa Junction) and the Secretary, or his designee, is authorized to accept, hold, obligate, and disburse such funds to accomplish the aforesaid placement.

SEC. 3. The lands authorized to be conveyed to the State of Hawaii as provided in the first section of this Act is an area of land referred to as the Navy Drum Storage Area and comprise approximately 43,813 acres, including an area designated as the "public works center" and the "naval supply center", together with improvements thereon, as generally depicted on the Real Estate Summary Map, Ewa Junction, Oahu, Hawaii, Department of the Navy (revised December 4, 1975). The exact description and acreage of the land to be conveyed shall be determined by an accurate survey as mutually agreed upon between the State of Hawaii and the Secretary of the Navy or his designee.

ADDITIONAL COSPONSORS

S. 1571

At the request of Mr. MCINTYRE, the Senator from Oklahoma (Mr. BELLMON) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 15171, a bill to grant the National Ski Patrol System a Federal corporate charter.

S. 1914

At the request of Mr. BAYH, the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 1914, a bill to amend title XIX of the Social Security Act.

S. 1967

At the request of Mr. ROBERT C. BYRD, the Senator from Alabama (Mr. SPARKMAN) was added as a cosponsor of S. 1967, a bill to amend the Social Security Act to continue the requirement on the part of the States to make social

security payments and reports on a calendar-quarter basis.

S. 2261

At the request of Mr. HATHAWAY, the Senator from Iowa (Mr. CLARK) was added as a cosponsor of S. 2261, a bill to implement the United Nations Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property.

S. 2317

At the request of Mr. HEINZ, the Senator from Missouri (Mr. EAGLETON) was added as a cosponsor of S. 2317, the Trade Procedures Reform Act.

S. 2373

At the request of Mr. INOUE, the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2373, a bill to provide for the establishment of a division of minority mental health programs.

S. 2378

At the request of Mr. INOUE, the Senator from South Dakota (Mr. ABOUREZK) was added as a cosponsor of S. 2378, a bill to increase the amount of funds available for Native American employment and training programs.

SENATE JOINT RESOLUTION 101

At the request of Mr. DOMENICI, the Senator from Connecticut (Mr. WEICKER), the Senator from Nevada (Mr. LAXALT), the Senator from Arkansas (Mr. HODGES), the Senator from Alaska (Mr. STEVENS), the Senator from North Dakota (Mr. BURDICK), and the Senator from Indiana (Mr. BAYH) were added as cosponsors of Senate Joint Resolution 101, a joint resolution to authorize the President to issue a proclamation designating a memorial Sunday for firefighters who have been disabled or killed in the line of duty during the preceding year.

PANAMA CANAL TREATY, EX. N. 95-1 AMENDMENTS NOS. 7 AND 8

At the request of Mr. DOLE, as in executive session, the Senator from Illinois (Mr. PERCY) was added as a cosponsor of amendments Nos. 7 and 8 to the treaty concerning the permanent neutrality and operation of the Panama Canal.

AMENDMENT NO. 11

At the request of Mr. DOLE, as in executive session, the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of amendment No. 11 to the treaty concerning the permanent neutrality and operation of the Panama Canal.

SENATE RESOLUTION 356—SUBMISSION OF A RESOLUTION RELATING TO COOPERATION OF THE REPUBLIC OF SOUTH KOREA

(Referred to the Committee on Foreign Relations.)

Mr. WEICKER submitted the following resolution, which was referred to the Committee on Foreign Relations:

S. RES. 356

Resolved, That (a) the Senate insists that the Government of the Republic of Korea cooperate fully with the investigation being conducted by the Select Committee on Ethics

to determine whether Members of the Senate, their immediate families, or their associates accepted anything of value, directly or indirectly, from the Government of the Republic of Korea or representatives thereof. In particular, the Senate insists that the Government of the Republic of Korea take all steps within its power to ensure that Tongsun Park, Kim Dong Jo, and such other individuals as the Select Committee on Ethics may find necessary for its investigation will be available to the Select Committee for questioning, testimony, and other purposes relating to that investigation.

(b) The Senate declares that failure of the Government of the Republic of Korea to cooperate fully with the investigation being conducted by the Select Committee on Ethics will have a negative impact on relations between the United States and the Republic of Korea, including United States programs of assistance for that country.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the Ambassador of the Republic of Korea to the United States for transmittal to his government.

Mr. WEICKER. Mr. President, yesterday, a resolution was introduced in the House of Representatives insisting that the Republic of Korea make available to the House Committee on Standards and Official Conduct the testimony of Tongsun Park and certain other Korean Government officials.

Today, I am submitting a companion resolution to insist that the Republic of Korea provide the Senate Ethics Committee and its staff similar access to Tongsun Park and others or else face curtailment of U.S. military and economic aid. I am firmly convinced that the testimony of Mr. Park and other Korean Government officials is essential if we are to shed any light on the allegations of Senate wrongdoing in what is now known as "Koreagate." Too many suspect Senate involvement, and the basis for flat denial of such suspicions is not in hand. We can neither accuse nor excuse without hard evidence.

NOTICES OF HEARINGS

SUBCOMMITTEE ON FEDERAL SPENDING PRACTICES AND OPEN GOVERNMENT

Mr. CHILES. Mr. President, on Tuesday, February 7, 1978, the Subcommittee on Federal Spending Practices and Open Government of the Committee on Governmental Affairs will continue hearings on the Oversight of Small Business Administration Reform Efforts of the 8(a) program. The hearing will be in 457 Russell Senate Office Building, beginning at 10 a.m. For further information regarding the hearing, please contact Mr. Ronald A. Chiodo, subcommittee chief counsel and staff director (224-0211).

SELECT COMMITTEE ON INTELLIGENCE

Mr. INOUE. Mr. President, I should like to announce that the Select Committee on Intelligence will hold hearings on the nomination of Ambassador Frank Carlucci to be the Deputy Director of Central Intelligence. The hearings will begin at 10 a.m. on Friday, January 27, in room 6202 Dirksen Senate Office Building.

Any party interested in appearing or filing a statement regarding this nomi-

nation should advise the committee. The committee's office number is 224-1700.

ADDITIONAL STATEMENTS

THE STATE OF THE U.S. AIRLINE INDUSTRY—AND A LOOK TO THE 1980'S

Mr. INOUE. Mr. President, recently the president of the Air Transport Association, Paul R. Ignatius, addressed the New York chapter of the National Defense Transportation Association.

He reported on the state of the U.S. airline industry, and the outlook for the 1980's.

Mr. Ignatius reported that the present state of the U.S. airline industry is relatively good.

In terms of service to passengers and shippers, he said that 1977 was a year of record-breaking performance, and new records likely will be set in 1978. Air transportation in the United States is a growth industry, and will exceed \$20 billion in revenues this year.

Airline earnings achieved records in 1977, but remained well below the levels necessary to meet urgent capital investment needs for the years immediately ahead. Mr. Ignatius concluded this continued deficiency in earnings is a matter of great concern.

Mr. President, during this session the Senate will be considering the Air Transportation Regulatory Reform Act of 1978.

What Mr. Ignatius said is, in my judgment, very timely and relevant. I therefore ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE STATE OF THE U.S. AIRLINE INDUSTRY— AND A LOOK TO THE 1980'S

At the start of what is certain to be an exciting year for all of us who are concerned with transportation and its vital role in contributing to the strength, security and quality of life in America, I welcome this opportunity to address the New York Chapter of the National Defense Transportation Association on the state of the U.S. airline industry and a look to the 1980's.

This is a time for review and a look to the future. In the State of the Union message to be presented by President Carter next week to a Joint Session of Congress and in the annual reports of corporations and organizations of all types, the nation is reviewing events and achievements of the past year and is looking toward the road ahead. It is especially appropriate to make a review of this kind before an NDTA group, which brings together people, in and out of uniform, who are committed to the excellence of public service in improving all modes of transportation.

I can report to you today at the outset of 1978—the year which marks the 75th Anniversary of the first powered flight at Kitty Hawk on December 17, 1903—that the state of the U.S. airline industry is relatively good.

In terms of service to passengers and shippers, 1977 was a year of record-breaking performance, and new records likely will be set in 1978. Air transportation in the United States is a growth industry and will exceed \$20 billion in revenues this year.

Airline earnings achieved records in 1977, but remained well below the levels necessary to meet urgent capital investment needs

for the years immediately ahead. This continued deficiency in earnings is a matter of great concern.

As we approach the 1980's, the outlook for the U.S. airlines cannot—at least at this point—be described with full precision. Formidable challenges and opportunities lie ahead, and I shall have more to say on this.

Let me now briefly review what happened in 1977, and following that share with you some thoughts about the future.

In 1977, there were, in my judgment, four major developments in air transportation. The busy year was marked by:

Regulatory reform debate.
Experimentation with discount fares and mass transportation concepts.
Reorientation of Civil Aeronautics Board regulatory philosophy.

A burgeoning volume of passenger transportation.

First: At the take-off of 1977 and throughout the year, the air transportation scene in the United States was marked by extensive public policy debate on regulatory reform. At local levels, in the Congress, in the Administration, in the press, and throughout the airline industry, this complex and pervasive issue was debated with intensity and strong convictions. In 1978, this national debate continues. There is unanimous agreement only on the crucial need for the United States to maintain what it now has—the world's finest air transportation system. Views differ sharply on how best to assure this leadership.

There was, at year's end, legislative action that will bring profound changes in cargo transportation, and changes immediately ahead will be followed closely.

Second: While the regulatory reform issue remained on the national agenda for resolution, the airlines in 1977 initiated major experiments with discount fares, both domestically and internationally, and gave new impetus to mass transportation concepts through the skies. A recently completed Gallup Survey shows that 63 per cent of all adult Americans now have flown on commercial airlines. The "folks next door" have taken over from the so-called elite "jet set".

Third: Under the leadership of Chairman Alfred Kahn, the Civil Aeronautics Board in 1977 reoriented regulatory philosophy, giving new emphasis and precedence to competition, innovation, and lower fares. While it is yet uncertain where this reorientation will lead, the fact is that the airline industry, as it has demonstrated in the past, not only was able to adjust to this philosophy, but was able to do so in a manner that outperformed the general economy and achieved all-time performance records.

Fourth: The dominant role of air transportation in public intercity travel was demonstrated in 1977 as passenger traffic rose about 8 per cent above the previous record year of 1976. Some 240 million passengers relied on the airlines for business and personal travel, and accounted for more than 80 per cent of public intercity passenger miles. This rise in air travel exceeded significantly the rise in real Gross National Product, and again placed the airlines at the leading edge of growth in America. It is estimated that air travel will grow another 5-6 per cent this year.

There were other air transportation developments worthy of mention in this report on 1977.

As the nation focused high priority attention on energy issues, the airlines continued to emphasize conservation gains—a vital necessity to an industry which has seen fuel costs triple from 1973.

Addressing the reality of steeply rising costs of fuel, labor, landing fees and other major elements of air transportation, the CAB in 1977 took belated but welcomed action to adopt an anticipatory cost concept, and thereby to avoid in the future multi-million dollar penalties imposed on the airlines be-

cause of a lag in recovering cost increases. This action, I believe, demonstrates a strong recognition by the CAB that the air transportation system, if it is to meet consumer and defense augmentation requirements, must no longer be unduly penalized because of inflationary pressures throughout the economy.

On the environmental front, the House Public Works and Transportation Committee, following extensive hearings, reported favorably on legislation that provides the means, at no expense to the general taxpayer, for the airlines to meet stringent retroactive noise standards imposed by the government. Enactment of this legislation in 1978 will make possible, with huge capital outlays by the airlines, the procurement and retrofit of hundreds of airplanes that will bring quieter skies to America, save millions of gallons of fuel, create thousands of jobs, and help assure U.S. technological leadership in aircraft development and production.

In 1977, the tourism industry in the United States, depending heavily on air travel, amounted to more than \$100 billion, and directly accounted for an estimated four million jobs. Airline industry employment, after a dip in recent years, expanded to more than 300,000 with average total compensation of about \$25,000, one of the highest of all industries.

But whatever the records of growth and service and job creation in 1977, air transportation throughout its first 51 years of scheduled service has been and is today a look-ahead industry, proud of past achievements, to be sure, but dedicated to meet future challenges and opportunities.

Already, for example, we are at work planning to meet the needs of an air transportation system, which the Federal Aviation Administration estimates will be carrying more than 400 million passengers a year just a decade from now. Investments are being planned today for aircraft which will still be operating in the early years of the 21st century.

So now, let us look ahead to the last years of the 70's and to the decade of the 80's.

What will be crucial above all else to the future of privately-owned air transportation in the United States—nationalization would be a disaster to our free enterprise society—is the ability of the airlines to meet enormous capital needs. Without capital resources, modernization and expansion plans will be only pieces of paper. Paper airplanes don't fly very far, and certainly they do not carry passengers or cargo, and certainly they cannot augment national defense.

Let me put this capital requirement in perspective.

The present fleet of 2,300 aircraft operated by the U.S. scheduled airlines, with supporting facilities and ground equipment, represents an investment of about \$21 billion.

During the decade of the 80's, the airlines will need to spend about \$60 billion for new equipment, roughly half of that outlay the result of inflation. By comparison, airlines acquired \$9 billion worth of aircraft in the 1960's, and investments in the 1970's will be about \$15 billion.

Clearly, the massive outlays necessary in the years ahead will require improved airline earnings. It is essential that airline earnings reach at least the level enjoyed by the rest of American industry as a whole—that is, five cents on each dollar of sales. This means, for example, that on revenues of \$20 billion, the airlines require for healthy capital growth earnings of \$1 billion.

Sustained improvement in airline earnings will stimulate airframe and engine manufacturers to develop more productive aircraft, which will be quieter and more fuel-efficient.

In bygone years, the commercial airlines were able to rely importantly on derivatives of military aircraft, but this is not the case today. The changed situation was illuminated

by the recent Air Force decision to acquire for use as a tanker a derivative of a commercial jet.

How well the airlines are able to meet their capital formation needs will have a profound impact on our success in meeting a second challenge of the 1980's—the energy challenge.

The commercial airlines and the military must rely on jet fuel—there is no alternative source—and this is likely to be the case through the 1980's and beyond. Research and development into substitute fuels for aircraft engines for civilian and military requirements, together with the resources to mount such an effort, should be an important part of a national energy policy. Finding substitute fuel sources to power various types of internal combustion engines, including aircraft engines, demands a higher priority in our scientific community.

For the immediate future, the outlook is for further increases in the price of jet fuel—possibly to 75 cents a gallon by the mid-1980's. An upward movement in the price of jet fuel from 38 cents a gallon today to 75 cents in the mid-1980's would mean nearly \$1 billion in additional airline operating costs for the same amount of fuel.

Because of soaring fuel costs, the airlines have instituted a series of comprehensive conservation measures, which made possible a reduction in consumption of an estimated 500 million gallons in 1977 compared with 1973, while at the same time carrying 38 million more passengers and more cargo.

To help assure incentives for production of adequate supplies of jet fuel, the airline industry has requested that jet fuel be decontrolled and that appropriate standby safeguards be established to deal with unforeseen supply and cost problems.

But conservation and decontrol of jet fuel prices are, at best, only partial steps in meeting the industry's challenge. Acquisition of more fuel-efficient aircraft represents a more fundamental solution.

There is air transport legislation pending before Congress that would help achieve dramatic results in terms of more productive and quieter aircraft. Passage of this legislation is essential.

The legislation is designed to help meet another airline industry challenge for the 1980's—the challenge of achieving meaningful and cost effective noise reduction.

When present airline aircraft were put into service, they met FAA noise standards then in effect. Recently, however, new Federal noise standards have been adopted. The widely supported bill would accelerate the replacement of older, noisier aircraft with new aircraft that are quieter. The new aircraft would also be more fuel-efficient.

Replacement of more than 400 Boeing 707 and DC-8 aircraft still flying in airline fleets would save 500 million gallons of fuel annually. Additionally, there is airframe, wing, and engine technology now in the works. By the mid-1980's this new technology will enable airline aircraft to reduce fuel consumption by about 20 percent or more per seat mile. And further gains could come from a research program on aircraft fuel conservation now underway at the National Aeronautics and Space Administration.

Aside from these hardware needs, there are other basic problems confronting the airline industry in the years ahead.

I have discussed the need for resolution of the debate on regulatory reform and decisions on the regulatory framework in which air transportation will function in the 1980's. But it is clear that whatever the legislative outcome, far-reaching changes are underway to meet mounting public demands for air transportation.

Change is necessary, and change has been a hallmark of the airline industry. But we must as a nation, make certain that the scheduled air transportation system, which has contributed so much to the strength

and vitality of America remains the finest transportation system in the world.

In this regard, the long-term effects of the variety of new bargain fares will be important to assess. Will they attract sufficiently large numbers of new passengers to make them economically viable over the long run, or will they weaken the airlines' ability to achieve a stable record of earnings? Clearly, it is too soon to tell, but it is something to watch, not only at home but also in the overseas markets where the U.S. flag carriers operate. For the role of our flag carriers in projecting a U.S. presence abroad and in augmenting the national defense must be recognized along with the obvious interest of the consumer in bargain fares. The upcoming Senate hearings on the international aviation policy will provide a needed forum to review the overall situation.

The growth of aviation in the United States in the 1980's will require new actions—and these must be initiated now—to reduce costly air traffic delays, with consequent waste of fuel. All elements of the aviation community, civilian and military, must work together with the Federal Aviation Administration, the Department of Transportation, and the Department of Defense, to solve this problem.

Aviation growth in America has resulted from cooperative endeavors. A striking example is the close cooperation of the airlines and the Department of Defense, particularly the Civil Reserve Air Fleet program. As I look to a future that will be characterized by sustained airline traffic growth, sharply increased development and acquisition costs, environmental concerns, a need to conserve precious resources such as fuel, and by a relentless requirement to maintain defense readiness, there will be, even more than in the past, a continued requirement for the closest possible cooperation between the airlines and the military. This need is being recognized, but more must be done.

Today, I have reported on airline industry progress in the year that has passed, and I have discussed some important challenges ahead. The record of the past gives us encouragement that these challenges will be met, and the result will be undiminished U.S. leadership in the skies.

IN-LIEU-OF-TAX PAYMENTS FOR ROANE AND ANDERSON COUNTIES, TENN.

Mr. BAKER. Mr. President, I am certain that the arrival of the President's fiscal year 1979 budget today evokes a wide variety of thoughts and reactions among my colleagues. I will have a great deal more to say at a later time regarding the budget in its entirety, but I want to specifically mention at this time one grave omission which directly affects the State of Tennessee.

The President's budget, once again, eliminates in-lieu-of-tax payments for Roane and Anderson Counties, Tenn. These two counties are the home of one of this Nation's largest energy research institutions, the Oak Ridge National Laboratory, as well as the Nation's first gaseous diffusion enrichment plant and the proposed site of the Clinch River breeder reactor. While \$1.58 million is retained in the President's budget for the city of Oak Ridge, Anderson and Roane Counties receive no appropriation whatsoever. This is in spite of the fact that the Congress, for a number of years, has exercised its will to provide in-lieu-of-tax funds for such installations in the States of Washington and New Mexico, as well as Tennessee.

Mr. President, the thing that disturbs me most about these cuts is the fact that they have been, once again, administered at the staff level of DOE and OMB, with absolutely no regard for the will of Congress. In each of the past three budgets, the same sequence of events has occurred; and each time the Congress has reinserted the funds. I say to those in the Senate and in the bureaucracy that the Congress will, once again, work its will in this regard.

I am more than willing to discuss this matter publicly with any of my colleagues or any committee to establish once again the principle that, when the Federal Government becomes the chief and almost only industrial developer and landowner in a community, it must bear the responsibility for the impact such an installation has on public services, most importantly schools.

I will propose, once again, an amendment to restore approximately \$780,000 for Anderson County and \$794,000 for Roane County, as well as to restore the approximate \$600,000 cut in payments to the city of Oak Ridge.

Finally, Mr. President, let me once again point out the need for permanent and uniform legislation spelling out the Federal Government's responsibility in localities such as these, not only in Tennessee, but in other places as well. I anticipate and appreciate the continued support my colleagues have offered me in this regard.

THE DOE COMMUNITY ASSISTANCE FUNDS SHOULD BE RESTORED

Mr. SASSER. Mr. President, I would like to commend the senior Senator from Tennessee on his statement regarding the reduction of in-lieu-of-tax payments for the city of Oak Ridge and Roane and Anderson Counties in Tennessee. I join him in his concern that this Department of Energy recommendation will work considerable hardship on these communities.

This is not the first time an administration has recommended that these payments be reduced or deleted. Over the past decade, several administrations have recommended similar action. In each instance the Congress has seen fit to exercise its will and provide the funds for these needed programs which affect not only the State of Tennessee, but Washington and New Mexico, as well. I sincerely hope that the Congress will again restore these funds. I will join Senator BAKER in offering an amendment to the DOE authorization bill and will work as a member of the Appropriations Committee to insure that these funds are provided once they are authorized.

Oak Ridge and her sister cities in New Mexico and Washington occupy unique positions in our country's history. They were vital to the Nation during the war effort, and they continue to direct a tremendous resource, our national laboratories, toward one of today's most pressing issues—the solution of the energy shortage.

Oak Ridge has relied on these funds over the years to supplement what might otherwise have come to them in indus-

trial taxes, were it not for the fact that the city is so heavily dominated by the DOE facilities. The residents of Oak Ridge already pay one of the highest tax rates in the State, and it would be harmful to the future health of the community if an increase were required to accommodate declining Federal support.

The city of Oak Ridge has made a genuine effort in recent years to expand its tax base. The most recent blow to these efforts was the decision of Exxon to back off from the reprocessing plant which was planned for Oak Ridge. This illustrates a continuing problem for the city—the policies of the Federal Government conflict with the community's ability to grow and expand its tax base as other towns of its size do.

Again, I second Senator BAKER in my willingness to discuss this matter with any of my colleagues and in emphasizing the need for permanent legislation detailing the Federal Government's responsibility to these communities.

PANAMA CANAL TREATIES

Mr. TALMADGE. Mr. President, the Georgia House of Representatives, now in session in Atlanta, has adopted a resolution which, for myself and my colleague, Senator NUNN, I bring to the attention of the Senate, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

A RESOLUTION

Urging our two distinguished United States Senators to study carefully and to give the highest priority to American interests in considering the Panama Canal Treaty; and for other purposes.

Whereas, for 74 years, millions of Americans have been taught to view the Panama Canal as a symbol of United States engineering skill and ingenuity; and

Whereas, for more than half a century the Isthmus of Panama has been referred to internationally as "The Bridge of the World" because of the canal linking the Atlantic and Pacific; and

Whereas, Panama has prospered economically largely as a result of the industry, trade and tourism that have been drawn to the region by the canal and the country has become a financial center; and

Whereas, there remains much confusion regarding the proposed treaty and the absence of a reconciliation of Panama's national aspirations with the United States' strategic and economic interests despite years of negotiation.

Now, therefore, be it resolved by the House of Representatives that this body does hereby urge each of our two distinguished United States Senators to study thoroughly the matter of the Panama Canal Treaty and after said study to exercise his best wisdom and judgment in casting his individual vote in the best interests of the American people.

Be it further resolved that the Clerk of the House of Representatives is hereby authorized and directed to forward an appropriate copy of this Resolution to each of the two distinguished United States Senators from Georgia.

WARREN LEE PIERSON

Mr. WEICKER. Mr. President, with the passing of Warren Lee Pierson, America has lost one of its great business leaders. On a more personal note, my

family, especially my father, has lost a firm and warmhearted friend.

Born in Princeton, Minn., just before the turn of the century, Warren Pierson served first France and then the United States with great distinction during World War I. After the successful practice of law, both individually and corporately, Warren Pierson then became active in the business world. His leadership of Trans-World Airlines has marked him with honor as one of the creators of America's preeminent position in commercial aviation. Under this guidance, Trans-World became the great global air carrier that it is today.

At a time when so many Americans seem to doubt themselves, or the capabilities of their nation, facts become the most valued guideposts. The fact is that American commercial aviation from its planes and their engines to its pilots to its corporations are the greatest in the world.

A feat accomplished literally within my lifetime.

That is why this tribute to a wonderful American—Warren Pierson.

PRESIDENT'S "E" AWARD

Mr. LEAHY. Mr. President on December 28, 1976, the Specialty Paperboard Division of Boise Cascade Corp. informed me of their intentions to apply for the President's "E" Award for export expansion.

Located in Brattleboro, Vt., this company has made a significant contribution toward expanding their export market. They were informed this past fall through the Department of Commerce they would be recipients of this award. The Specialty Paperboard Division has demonstrated their worthiness in receiving such an award. In 1973, their exports were 9.4 percent of their total sales. This increased to 24.1 percent in 1976. This is certainly a noteworthy contribution and a positive step in aiding our economy during this time of a declining balance of trade.

In order to receive this award, it is necessary for a company to demonstrate an outstanding and creative ability in developing export markets. The Specialty Paperboard Division worked closely with the Department of Commerce's export promotion plan. They have sales organizations in three countries. They have sales representatives who are fluent in various languages enabling them to adequately promote their exports in several areas around the world. To expedite their product delivery, the Specialty Paperboard Division have plans for establishing a warehousing facility in Western Europe.

During the award ceremony, the employees were continuously congratulated for their hard work which led toward such recognition. They were quite enthusiastic knowing this award was received in large part because of their contributions. I have known John Wasserlein, the general manager of this division, for a number of years. Like all Vermonters, I am extremely proud of the

work he and the members of his company have done. Having recommended them for this award, I was quite pleased when I heard they received it. As is demonstrated here, this close Government-business cooperation can be quite profitable to both sides.

CURRENT U.S. POPULATION

Mr. PACKWOOD. Mr. President, I wish to report that, according to U.S. Census Bureau estimates, the total population of the United States as of January 1, 1978, was 218,219,293. In spite of widely publicized reductions in our fertility levels, this represents an increase of 1,765,848 since January 1 of last year. It also represents an increase of 117,238 since December 1, 1977, that is, in just the last month.

Over the year, therefore, we have added more than enough people to fill the cities of Norfolk, Va., Providence, R.I., Nashville, Tenn., Grand Rapids, Mich., Dayton, Ohio, and Fresno, Calif. And in just 1 short month, our population has grown enough to more than fill the city of Lexington, Ky.

UNIVERSITY OF ALABAMA IN BIRMINGHAM TAKES ANOTHER STEP FORWARD

Mr. ALLEN. Mr. President, some years ago, as a result of the rapid growth of its extension programs, the board of trustees of the University of Alabama created three campuses: the University of Alabama in Tuscaloosa (UAT), which is the main campus; the University of Alabama in Birmingham (UAB), which includes the world-renowned university medical center and hospital; and the University of Alabama in Huntsville (UAH). There are, of course, a number of extension centers in communities elsewhere throughout the State of Alabama.

Including those enrolled in noncredit continuing education courses, the student body at the University of Alabama in Birmingham is the largest of the three campuses, and together with the medical center complex, including university hospital, UAB is the largest employer in the city of Birmingham.

So it was with great interest that I learned, early this month, that the University of Alabama in Birmingham had, for the first time, appointed two women to be assistant vice presidents, making them the highest ranking women in the UAB administration. Mrs. Gloria S. Goldstein has been named assistant vice president and director of institutional relations while Dr. Florence M. Monroe has been appointed assistant vice president and director for telecommunications at UAB.

The university, Mrs. Goldstein, and Dr. Monroe are to be congratulated for this action; the university for rewarding achievements and the two new assistant vice presidents for notable accomplishments in their fields, which led to their new high positions.

Mr. President, I ask unanimous consent that a news article, entitled "Two

Women Named UAB Vice Presidents," from the Thursday, January 5, 1978, edition of the Birmingham News, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Birmingham News, Jan. 5, 1978]

TWO WOMEN NAMED UAB VICE PRESIDENTS

The University of Alabama in Birmingham has for the first time appointed two women assistant vice presidents, making them the highest ranking women in UAB administration.

Gloria S. Goldstein, director of public affairs at UAB since 1969, has been named assistant vice president and director of institutional relations.

Dr. Florence M. Monroe has been appointed assistant vice president for telecommunications at UAB.

Mrs. Goldstein's responsibilities will include supervising the UAB news bureau, as well as a department that helps in the design, writing, and layout for UAB catalogs, information booklets, and the Medical Center and the Beacon magazines.

A graduate of the University of Alabama, Mrs. Goldstein has been with UAB since 1961. She has served as editor of the Medical Center Bulletin (1961-62), assistant to the Medical Center deans (1962-68), assistant to the vice president of the UA Medical Center (1968-69), and director of public affairs (1969-present).

She is a member of the Advisory Council for the National Institute of Allergy and Infectious Diseases, National Institutes of Health.

Mrs. Goldstein is also active with committees responsible for governmental and public relations within the Council for the Advancement and Support of Education, the National Association of State Universities and Land Grant Colleges, the Association of American Medical Colleges, and the American Association of Dental Schools. She is a member of the Board of Directors of the Jefferson-Shelby Lung Association, and of several professional organizations.

Dr. Monroe will be in charge of the UAB Telecommunications Center, which will encompass public radio station WBHM and the present telecommunications center offices, to be known as the TV Studio. Also included under her supervision will be cable program transmission and a proposed radio service for specialized audiences, such as the sight handicapped and the elderly.

Currently director of radio for UAB and general manager of WBHM, she will work with such departments as the Division of Special Studies and others who are interested in using electronic media to develop programs. She will retain her position as general manager of WBHM.

Dr. Monroe came to UAB from station WNYE-TV and WNYE-FM in New York City where she was assistant director of broadcasting and station manager in charge of total operations of both stations.

She was the creator and producer of several award-winning television and radio series developed for children. She won "Emmys" from the Academy of Television Arts and Sciences, New York Chapter, as producer and associate producer of two programs.

She has had experience as an actress, script writer and television technician, and has instructed workshops for instructional television at New York University and has taught classes in the humanities.

She was graduated cum laude from New York University and subsequently earned her Master's and Ph.D. degrees in education communications at the same institution.

FOREWORD TO WYOMING

Mr. HANSEN, Mr. President, with the pellmell rush for energy sources in my native State of Wyoming, the following verse seems quite timely. The poet, Wilson O. Clough, the University of Wyoming professor of English, emeritus, has published a volume of verses—"Past's Persisting"—in which "Foreword to Wyoming" appears. It gives me great pleasure and pride to submit one of Dr. Clough's works.

Mr. President, I ask unanimous consent that "Foreword to Wyoming" be printed in the RECORD.

There being no objection, the verse was ordered to be printed in the RECORD, as follows:

FOREWORD TO WYOMING

Come, let us consider firsts in Wyoming.
Here, we are new, our roots are not yet deep.
"Only yesterday," the aged will say, "And we still living remember . . ."
And folding withered hands they muse, and these the vintage of their days:
The Oregon Trail, Jim Bridger, Washakie, Buffalo Bill;
The old fort, the ranch, the first white child, the last buffalo herd;
The great blizzard, the laying of rails, the crude bar, the treeless frame town.
"Powder River!" men cry, a wild surge in their throats.
For this is the land of the few against the impersonal much;
Of uncommunicative spaces and stoic horizons, and the consciousness of holding on;
The newness of nostrils tingling to the untamed scent of sagebrush after rain;
Of a roving Spaniard, pausing at the edge, gazing northward on the Rio Verde;
Of a voyageur, shading wondering eyes on the Black Hills and the Montagnes Rocheaux;
Of lone mountain men, proving the Wind River Canyon, the Medicine Bow, Twogwotee Pass, and the lakes by the Tetons;
Of the first small bands, naming the Belle Fourche, the Chugwater, the Poison Spider.
And before them, the Indians, filtering into the valleys:
Blackfeet, and Sioux, the Cheyenne, the Shoshoni, Flathead and Nez Percés;
Out of what impenetrable past? And with what names before the white naming?
Making songs of the rivers, the Popo Agie, the Seeds-ke-dee Agie and the Niobrara.
But their first are not known: what councils they held in cold winters;
What wisdom was theirs of buffalo haunts and rare hunting, caves and hot waters;
When first they circled stone rings, or gathered the rock for the arrow and the great wheel;
Or painted with red berry stains; or carved the petroglyph on the deep canyon wall.
This is a new land, a story soon told. . .
But here in my hand, an egg-shaped, dull, glistening object;
Gastrolith: stomach-stone of old monsters, polished by juices, incredibly ancient.
And how shall we date these phantom feeders?
How envisage them, gorging on tropical green, here in Wyoming?

Stretching grotesquely long necks for matted marsh food; gobbling down pebbles for grinding;

Trapped by their weight in the slime, helpless, floundering.

Sluggish limbs caught, leaving huge bone-frames to prove them?

This is new land, but newly known. . .
Yet here on a great space of short grass, centered in silence.

The summer sun brooding, the deep summer sky endlessly breathless.

There lies extended a tree, stone tree, perdurable stone.

And who will upraise it, and show it intact and alive?

Did it tower by some palm-scented sea a million, ten million time-counts ago?

Did it bend by a lake, before quadrupeds ventured to browse?

Did it cast its long shadow on some undiscoverable stream?

First, in Wyoming are strange beyond counting, out of man's listing.

Seas lipped at old shores; shores shrugged off the waters; landscapes folded in patterns;

Mountains sank into plains; plains rose, and were sky-reaching;

Centuries labored; fierce sunshine and rain, frost, wind and earth-weight persevered;

Shaping earth's tegument, fashioning climate and soil;

Finding room for odd creatures, Triceratops, Tyrannosaurus, Eohippus;

Dissolving these; giving place to new forms, more familiar;

The shrill coney, the grizzly, the white-tufted antelope;

Accepting proud man in due time, the red man, the white;

Molding each kind of life in its turn; molding us.

COPPERWELD: SUPERSAFE STEEL MILL

Mr. METZENBAUM. Mr. President, the timely subject of environmental health and occupational safety appears in a welcome light in the December issue of Monitor, a publication of the Industrial Commission of Ohio, Division of Safety and Hygiene. In an article entitled, "Safer Than the Average Steel Mill: Cooperation, Communication, the Keys at Copperweld," Judy L. Stewart presents an impressive illustration of a combined safety effort between management and labor which has produced a steel mill which the American Iron and Steel Institute has found to be three times as safe as any other plant in the 1,000 to 4,000 employee category. It possesses an accident rate one-third of the steel industry's average.

Recognition of the troubling consequences of prolonged negligence in the workplace has been met with good sense and sensitivity at the Copperweld Steel Mill in collaboration with the theme of the 1977 All-Ohio Safety Congress.

In view of the fact that the U.S. steel industry has been beset with grave problems recently, I was especially pleased to read this heartening article. Mr. President, I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SAFER THAN THE AVERAGE STEEL MILL—COOPERATION, COMMUNICATION, THE KEYS AT COPPERWELD

(By Judy L. Stewart)

Amid flying sparks, hot molten steel and temperatures so intense they make 90 degree weather seem like the middle of January, a sector of industrial workers perform their day-to-day jobs just as though they were sitting in an air-conditioned office. The hazards of their trade are mind boggling—a high noise level, the occasional splashing of liquid steel or sparks and powerful machinery that shapes the sizzling hot metal as if it were made of clay. Yet, employees at Copperweld Steel in Warren, Ohio are so safety-conscious they rarely experience the possible serious accidents that can occur while working. The reason behind their success—a combined safety effort between management and labor.

The idea of joining labor and management representation for an effective working environment seems a great task because often these two sectors of business have had conflicting viewpoints. However, the combined ingenuity of Herbert K. Bollenbacher, supervisor of safety and security, and John Giaurtis, chairman of the United Steelworkers Local 2243, has made Copperweld a steel mill that the American Iron and Steel Institute has found to be three times as safe as any other plant in the 1,000 to 4,000 employee category. It possesses an accident rate one-third of the steel industry's average.

"We approach," the outlook Copperweld takes towards safety, is part of its emphasis on people and an area where the plant's safety program differs from other companies, Bollenbacher said. The idea of labor and management working together was the theme of the 1977 All-Ohio Safety Congress and Copperweld is a shining example of the results achieved when proper steps are taken to insure everyone has an active say in safety policies. "We'd like other companies to realize that this kind of team effort really works," Bollenbacher said.

The Copperweld plant operates on 435 acres and includes a complete line of steel-making equipment. The mill contains a melt shop with four electric furnaces, a 25-inch blooming mill, a 21-inch and 12-inch rolling mill, pouring heat treating, conditioning, stripping, cold drawing and finishing departments. The company also has a railroad complete with five locomotives and 300 railroad cars that operate on 26 miles of track.

Copperweld operates on a three-shift, seven-day workweek and employs 2,700 people. It can produce steel that is hot rolled, cold finished, annealed, or quenched and tempered to provide customers with the grade, additive, size and shape of alloy or carbon steel needed. "Anyone can sell you steel," Copperweld's slogan states, "but you come to Copperweld for quality."

Hand in hand with Copperweld's claim of quality products comes its quality interest in employees. The story of this firm's successful safety program began in 1972 when Bollenbacher was hired as safety and security director. Until that time the plant had experienced many serious accidents and frictional relations with union representatives on safety issues were common. The union didn't feel Copperweld was taking an active interest in the safety of its workers. So Bollenbacher, a man who had 10 years' working experience in the steel industry and reduced the accident rate at a Pittsburgh plant where he was formerly employed by 75 per cent, was hired to make renovations at Copperweld.

Bollenbacher said when he began at Copperweld a new union president was elected who also wanted a joint working relationship between labor and management. Since the 1973 fusion of these two forces, the

accident rate at Copperweld has been steadily on the decline, first to 7.1 per cent per 200,000 man-hours worked in 1974, then to a lowered rate of 4.3 per cent in 1977.

Communication and awareness are the key elements in Copperweld's safety program. Bollenbacher said the practice of making people aware provides a good balance between union and management. Before any safety sessions or meetings involving Copperweld are held, Bollenbacher makes certain the union is represented to offer viewpoints and take an active part in the proceedings.

The family feeling and involvement in Copperweld's safety program makes employees feel like leaders and the result of this is quality in worker production. "If people have a favorable attitude and morale it accounts for a low absenteeism rate and a low turnover of workers," Bollenbacher said.

Copperweld's safety is initiated with the orientation of new employees and a manual outlining basic accident prevention. All new employees must attend a dictatorial session on plant and safety rules. They are advised, "If you don't want to follow these rules, don't even start to work here." Also, new employees go through a 60-day probationary period when they wear yellow and black tape on their hard hats to signify they are learning.

One of the strongest points of Copperweld's safety education revolves around the Job Safety Analysis (JSA), written by department supervisors and approved by the safety department. This program outlines the safest way to perform each job in the plant and is used to establish safe job procedures. It highlights the hazards in a job, recommends required safety protections and establishes a reference file of safety literature. The JSA is the basis of individual safety instruction and discussion at monthly safety meetings conducted in all 26 departments by supervisors. At these meetings workers are urged to discuss plant conditions they feel are unsafe and supervisors present JSA literature in a lecture.

Another monthly requirement of supervisors is a personal contact and observation of each employee in his department. During this one-to-one talk the supervisor can hear individual problems or questions the worker has and discuss the best way of performing a job safely.

Three representatives from management and four union safety committee members meet each month to discuss problems on a larger scale that cannot be resolved in the departments. During this meeting suggestions to improve plant safety are presented and investigated to see if they are feasible. They also discuss suggestions for installing large-scale and sometimes costly equipment.

An example of topics discussed at these meetings is the air pollution control system installed in 1976 at Copperweld. Upon approval, a \$4.5 million system was completed that reduced the company's melt shop air emissions by 97 per cent. The Bag House air control system filters out particles released in steelmaking by using the same principle as a vacuum cleaner.

The system consists of huge hoods over each furnace that draw smoke and effluent into a series of ducts. Three powerful fans force these emissions through ductwork to the bag house, a main collection point.

The bag house contains 16 large compartments with 228 semi-porous dacron bags, similar to those used in a vacuum cleaner. Air is blown up through the bags to trap the particles inside. After enough emissions are collected, the air pressure is reversed so dust and particles drop onto a conveyor belt which transports them to giant hoppers. When hoppers become full, the emissions are taken through closed conveyors into trucks that carry them to a storage area at the

plant. The materials are later recycled or used as landfill.

Bollenbacher posted this slogan throughout the plant once the system was functioning, "We've cleaned up the air, let's clean up the earth."

Copperweld specialists conduct a thorough investigation of every accident in the plant and supervisors are regularly evaluated to determine their efficiency. Throughout the plant Bollenbacher makes use of the Division of Safety and Hygiene's Pattern for Progress program. He is a member of the Pattern for Progress committee. The posters are displayed and ideas relating to them are often discussed at monthly safety meetings. There are also reproductions of posters and other safety oriented stories in "The Communicator," a newsletter for Copperweld employees.

The wearing of safety glasses, hard hats and safety shoes is a condition of employment for Copperweld employees. However, Joe Halvis, a union safety committee member, said any man who refused to wear his equipment would be "crazy." Just one look inside the plant tells the story of flying sparks and splashing liquids as well as the heavy steel bars that could easily crush a foot. "The workers generally accept the wearing of safety equipment as just another part of going to work," Halvis said.

Evidence of the need for safety equipment is displayed in the "Communicator." Whenever a person prevents bodily injury by using protective equipment, he or she is eligible to enroll in the Wise Owl Club, Golden Shoe or Smart Cat Club. Those who join these organizations are usually pictured in the newsletter with the facts relating their experience. This type of communication and recognition helps workers to realize the importance of safety. When workers read about a friend's accident it makes them think about how protection is useful and appeals to their human emotion.

Bollenbacher said he offers no extensive rewards for using safety because he would rather earn the sincere efforts of workers by showing what can happen to them without it. However, there are a few benefits, like pins and certificates, for earning membership to the accident prevention clubs. Also, a housekeeping contest is held every month to determine which department in the plant keeps the cleanest operation. These housekeeping winners are featured in the newsletter and on an information board outside the plant. It makes for a friendly competition and benefits the plant's appearance and production in the long run.

Bollenbacher says one reason for a successful safety program is that employees take pride in their company's environment and safety record. Along with that pride come quality in production and fewer internal problems.

Another contributing factor is the total cooperation of labor and management in the plant. Bollenbacher is quick to point out that there is no labor and management separation in the name of safety. Everyone seems to work for the same goal. "To send these people home in the same condition they came to work."

Bollenbacher feels it is important to have total protection of buildings, equipment and materials as well as people in a plant. All of these things contribute to establishing a safe, productive operation. He feels an attitude of "Come let us reason together" can aid in the understanding and cooperation of a variety of people who are working at various jobs.

One can only surmise from the statistics and environment at Copperweld that they are indeed reasoning together—and it is working.

BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS PREPARES FOR NATIONWIDE USE OF ALCOHOL FUELS

Mr. PERCY, Mr. President, my distinguished colleagues, Senators JAVITS, BAYH, and ABUOUREZK, along with myself, recently wrote to Rex Davis, Director of the Bureau of Alcohol, Tobacco, and Firearms concerning alcohol fuels. It was our concern that the nationwide use of alcohol fuels as a motor fuel will present ATF with the burden of insuring that alcohol produced for fuel utilization is not illegally diverted to beverage use. In addition, we feared that the lengthy, complicated application process for a permit to distill alcohol might hinder this important fuel's development. Farmers and farm cooperatives that could provide important sources of alcohol may not be able to assume this cost, nor wish to bother with the time-consuming process of applying to ATF.

I am pleased with ATF's timely, and comprehensive response to our letter. An ATF alcohol fuel task force will soon be formed which will examine the various issues concerning nationwide use of alcohol fuel. Recommendations will be put forth to simplify the application process, to develop or evaluate new denaturing methods, and to prepare an informative brochure for all prospective distillers on costs involved, systems to use, and procedures to follow. The Bureau is currently drafting legislation it feels is necessary to prepare for the increased use of alcohol.

Mr. President, the Senate has adopted several amendments to its energy tax bill to encourage the use and commercialization of alcohol fuels. As our balance of trade problems continue, the advantages of alcohol fuel are ever greater. Last year we spent over \$45 billion to import fuel. This Nation has reached the point where development of a domestic, renewable fuel source is our most important priority. Alcohol, I believe, fits this bill exactly.

I am proud to say that it is now possible to purchase alcohol fuel in the State of Illinois at several locations. Customers have been enthusiastic about the performance of the fuel and sales are high. However, because of the higher cost of alcohol, service station owners say they need a tax break in order not to lose money on sales of "gasohol." An amendment I proposed and which was unanimously adopted to the energy tax bill would provide just such a tax break. Alcohol fuels would be exempt from the 4-cents-per-gallon Federal fuel tax. With this break, service station owners feel that sales of alcohol fuel will grow rapidly.

I cannot overemphasize the tremendous importance of that amendment to the energy bill now in conference. It provides the first important step toward creating a domestic, renewable fuel industry in this country. We must prepare for the future now—and we must do all we can to stop our needless export of \$45 billion each year for fuel we can domestically produce.

Mr. President, I ask unanimous consent that the letter that Senators JAVITS, BAYH, ABOUREZK, and I wrote to the Bureau of Alcohol, Tobacco, and Firearms, along with the Bureau's response, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE.

Washington, D.C., December 16, 1977.

MR. REX D. DAVIS,

Director, Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury, Pennsylvania Avenue, Washington, D.C.

DEAR MR. DAVIS: As the supply of petroleum becomes more scarce and costly to consumers, Americans will most likely turn to alcohol fuel as both a gasoline "extender" and as a fuel in and of itself. The Senate has adopted several amendments to the Energy Tax Bill designed to encourage the use and commercialization of alcohol fuel. The concept is catching on quickly. Every day we receive requests for information on the fuel and on the procedure for producing alcohol by distillation.

The advantages of alcohol are many. It is higher in octane than gasoline, more easily produced, and environmentally more benign. Most important, it is domestic and renewable. Its utilization will provide a strong market for agricultural surplus and wastes. Individual farmers and farm cooperatives could use excess or distressed grains to produce the fuel this nation now spends billions of dollars to import. Different regions would produce different types of alcohol: some would use methanol from timber and urban wastes, others would use ethanol from plant distillation.

The nationwide use of alcohol fuels will present a serious problem for the Bureau of Alcohol, Tobacco, and Firearms—namely, how to ensure that alcohol produced for fuel utilization is not illegally diverted to beverage use. Members of our staffs recently met with Mr. Ted McFadden and Mr. Al Gonzales of ATF to discuss this very problem. It is our concern that ATF may be unable to cope with the enormous increase in ethanol production should alcohol replace gasoline as the principal motor fuel for our transportation needs. Present yearly gasoline consumption in this country is 103 billion gallons. Should alcohol fuel become a viable alternative, the many farms, farm cooperatives, and large plants desiring to produce it will place a great strain on the resources of the ATF.

We are thus presented with a challenge—how to enable those wishing to produce alcohol fuel to do so with relative ease, while, at the same time, ensuring that the United States Treasury is not shortchanged by the illegal diversion of alcohol fuel to beverage use.

To this end, we ask the following:

Can the process by which an applicant is granted a license to build and operate an alcohol distillery be simplified to facilitate the large number of applicants without jeopardizing U.S. Treasury income? For example, can a simplified process be devised for those applicants who agree to build a closed-line distillery which requires no ATF supervision?

Can the ATF develop a new formula for the complete denaturing of alcohol? In this way, alcohol could be denatured at the distillery and individual gas station owners who blended alcohol fuels themselves would not be required to post bond to cover their sales of alcohol. It should be kept in mind that the denaturing substances should be environmentally benign and safe to automobile engine parts.

Will the Bureau of Alcohol, Tobacco, and Firearms require additional personnel to process the many new applications for dis-

tillery permits, or additional inspectors for the supervision of newly constructed distilleries, should the use of alcohol fuel grow substantially. For example, if nationwide use of alcohol fuel is 15 million gallons by 1985, 50 billion gallons by 1990, and over 100 billion gallons by 1995, what would be the Bureau requirements?

Does ATF believe there is a need for an alcohol fuel task force to address the needs of enforcement, new regulations, and personnel required for an alcohol fuel industry?

In addition, we formally urge that the Bureau of Alcohol, Tobacco, and Firearms immediately undertake to prepare a brochure for prospective producers of alcohol fuel describing the legal process for obtaining a permit to distill alcohol, offering recommendations on the types of distilleries available, and outlining the costs of operating a distillery. This would be of great assistance to farmers and farm-cooperatives interested in converting idle grain into cash-crops.

We look forward to receiving your timely response to these inquiries. If the Department of the Treasury and the U.S. Congress can work together on this problem, we can provide a viable means for addressing the energy crisis which confronts this nation. If you have any questions concerning our requests, please feel free to contact us, or have your staff contact David Carol of Senator Percy's staff at 224-1113.

Sincerely,

CHARLES H. PERCY,
JACOB K. JAVITS,
BIRCH BAYH,
JAMES G. ABOUREZK,
U.S. Senators.

BUREAU OF ALCOHOL,
TOBACCO AND FIREARMS,
Washington, D.C., Jan. 8, 1978.

HON. CHARLES H. PERCY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PERCY: Thank you for your letter dated December 16, 1977, concerning the use of alcohol as a motor fuel. Because of the interest shown by farm-related and other groups to promote the use of alcohol for motor fuel purposes, ATF anticipates an increase in the number of facilities authorized to produce alcohol. Any significant increase in the number of such facilities will, as you recognize, expand our workload.

You posed several questions relating to simplification of the qualifying process for those persons desiring to produce alcohol fuel, while maintaining protection of revenue and simplicity of government administration.

As to your first question, we are establishing a special task force to examine applicable laws and regulations to determine what, if any, changes can be made in simplifying the procedures for qualification and supervision of persons desiring to produce alcohol intended for use as fuel, as well as those involved in the distribution and/or use of such alcohol. We anticipate completion of this study by mid-March.

Existing law and regulations currently provide for closed-line distilling systems; however, on-site ATF supervision of such operations is required unless approved meters (or other approved devices) are utilized by the proprietor of the distilled spirits plant to determine alcohol production. The eventual denaturation of alcohol—i.e., rendering unfit for use as a beverage—also may be conducted without direct ATF supervision if meters are utilized.

Although closed-line distilling and denaturing systems which entail the use of meters allow us to minimize on-site supervision, the meters are expensive and the choice of whether to install them is entirely up to

the proprietor. We would expect that proprietors of small-volume alcohol plants—e.g., those which might be operated by farm-cooperatives—would not be willing to go to the expense of installing these types of metering systems. Based on current law, that situation would leave us with no choice but to provide substantially full time on-site supervision at the involved plants.

In regard to your second question, ATF regulations provide two formulations for rendering alcohol "completely denatured." Completely denatured alcohol (CDA) contains chemicals and additives to preclude its diversion for beverage purposes. Therefore, ATF does not restrict the purposes for which it may be used or require users to post bond to receive such alcohol.

Our laboratory personnel believe that components of either of the CDA formulations are sufficiently volatile so as to burn well in an automobile engine, particularly since one of the several required denaturants is either gasoline or kerosene. However, CDA use as fuel or a fuel additive would have to be studied (preferably by knowledgeable industry members) to determine (1) whether the cost of the required denaturants would be prohibitive and (2) whether the required denaturants would have any detrimental effect upon engines. ATF would be amenable to recommendations for additional CDA formulations, and would look favorably toward approval of new formulations which render the denatured alcohol unfit for use as, or conversion to, a beverage.

As to your third question, while we will need additional personnel (and related resources) to process applications for distilling permits, we do not believe that any substantial increase is likely. On the other hand, substantial increases in the ATF inspection force would be necessary for the on-site supervision of new distilleries. Elaborating on your example, we project that 2,410 plants would be necessary to produce 15 billion gallons of alcohol, 8,025 plants would be necessary to produce 50 billion gallons, and 16,050 plants would be necessary to produce 100 billion gallons. These estimates are based on an average daily production of 17,090 gallons of spirits for those plants operating in the U.S. during 1976; however, many of these plants are geared toward beverage production of spirits and concentrate on quality control for palatability rather than maximum production.

Under existing law, ATF would be required to provide daily on-site supervision for DSP operations, with a minimum of one inspector per plant. However, we believe that several factors could require less inspector staffing increases.

As we previously discussed, utilization of approved meters in process of alcohol production and denaturation could reduce on-site supervision. In addition, legislative changes which would give ATF discretion with respect to on-site distilled spirits plant supervision are being prepared.

The proposed legislation would provide for a system of controls, pursuant to regulations, which would apply to all distilled spirits plants with the government reserving the right to impose stricter controls (e.g., on-site ATF supervision) at any one distilled spirits plant where there was a need to provide for adequate protection of the revenue. If the proposed legislation is enacted into law, ATF on-site supervision of distilled spirits plants would be reduced greatly.

However, we do wish to point out that even if on-site supervision is eliminated (either through the use of meters or through statutory revision) ATF still must conduct periodic inspection of plant operations and audits of plant records. While we cannot predict what additional personnel might be needed to conduct such inspections/audits, it is ob-

vicious that any significant increase in the number of qualified plants will result in increased personnel needs by ATF.

Concerning your fourth question, ATF soon will organize a task force for the purpose mentioned above.

We agree with your suggestion that ATF should prepare a brochure for prospective producers of alcohol fuel. This subject will also be studied by the upcoming task force.

We appreciate your concern and recommendations. If you or your staff have further questions, please contact Theodore P. McFadden, Chief, Industry Control Division at 566-7538.

Sincerely yours,

REX D. DAVIS,
Director.

DUARD LE GRAND RETIRES AS EDITOR OF BIRMINGHAM POST HERALD

Mr. ALLEN. Mr. President, on January 1, 1978, Alabama journalism suffered the loss, through retirement, of Mr. Duard Le Grand, editor of the Birmingham Post-Herald, the morning newspaper in Alabama's largest city. He had held that post for some 10 years, and had worked for that newspaper since January, 1939, when he was employed as a general reporter for the then Birmingham Post.

Although Mr. Le Grand and I had philosophic differences, I have always admired his forthrightness, his objectivity and his sense of fairness. Despite our differences, he and I have toiled in the vineyards of public service through the many years as we, each in our own way, have sought to serve the best interests of our State, the South and the United States.

Mr. Angus McEachran, who has served as executive editor of the Post-Herald since September, 1977, has assumed the editorship and Mr. Le Grand now begins a well-earned retirement. I wish for Mr. Le Grand a long, active and rewarding retirement, and for Mr. McEachran the greatest success in his new position.

In its edition of Wednesday, December 14, 1977, the Birmingham Post-Herald ran a news story announcing the changes in staffing and an article written by Managing Editor George Cook entitled "In Eufaula Or At White House, Le Grand First A Newspaperman."

Mr. President, I ask unanimous consent that these articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Birmingham (Ala.) Post-Herald, Dec. 14, 1977]

POST-HERALD WILL GET NEW EDITOR ON JANUARY 1

Angus McEachran, who has been executive editor of The Birmingham Post-Herald since September, will become editor of the Scripps-Howard morning publication Jan. 1.

Promotion of McEachran to the top position on the paper was announced by Gordon Hanna of Cincinnati, vice president and general editorial manager of Scripps-Howard Newspapers.

McEachran will succeed Duard Le Grand, who will retire Dec. 31, ending 39 years on the paper, the last 11 as editor.

In making the announcement, Hanna said: "After 39 years of good and faithful service Duard Le Grand is certainly entitled to

cover his typewriter and sample some of the other things life has to offer. But he is going to be missed, both in and outside the Post-Herald newsroom. He can take pride in a career as an outstanding editor, whose sense of fairness and justice was seldom matched. All of his colleagues in Scripps-Howard wish him and his wife, Elna, the very best wherever their new adventures take them.

"Angus McEachran will be a worthy successor to Duard. He is well trained in his profession, his roots are deep in the South, and he has a bountiful supply of common sense. I know he will be a credit to his newspaper and his community."

A native of Memphis, McEachran came to The Post-Herald from The Commercial Appeal, where in addition to a variety of reporter assignments he had served as assistant city editor, metropolitan editor and, since 1970, as assistant managing editor.

Educated at George Washington University in Washington and at Memphis State University, McEachran supervised The Commercial Appeal's coverage of the events growing out of the assassination of Dr. Martin Luther King Jr. in Memphis in 1968 and flew to London to cover the arrest and extradition of James Earl Ray, who is now serving a life sentence for the slaying.

Late last year McEachran went to Northern Ireland and produced a five-part series on that country's troubles which was used in The Commercial Appeal as well as in other Scripps-Howard newspapers.

McEachran is married to the former Ann Blackwell. Mrs. McEachran and their two children, Gib, 16, and Amada Simmons McEachran, 8, will join the new editor here during the Christmas holidays.

Le Grand, a native of Georgia who grew up in Eufaula, Ala., is a 1934 graduate of Birmingham-Southern College which named him a "distinguished alumnus" in 1972. After graduate study at the University of Alabama, Le Grand worked in Eufaula and in Atlanta before joining the staff of the old Birmingham Post in 1939.

Except for five years in World War II Air Force service, during which he attained the rank of major as an electronics intelligence officer, most of his working life has been spent on The Post and, after 1950, The Post-Herald. He served successively as general assignments reporter, copy editor, news editor, city editor and, from 1963 until his appointment as editor, managing editor.

He has been active in many civic enterprises here, having served at one time or another on the boards of the Birmingham Area Chamber of Commerce, the Jefferson County Association for Mental Health, the old Anti-Tuberculosis Assn., the Boy Scouts and the Urban League. He was one of the founding directors of Junior Achievement of Jefferson County and served as president of the group last year. He was one of the organizers of the State Committee on the Humanities and Public Policy, an agency of the National Endowment for the Humanities. He was chairman of the committee during the bicentennial year.

Le Grand said that he and his wife, the former Elna Sessions of Birmingham, plan to continue to live here and look forward to enjoying the increasing number of good things the community has to offer.

[From the Birmingham (Ala.) Post-Herald, Dec. 14, 1977]

IN EUFAULA OR AT WHITE HOUSE, LE GRAND FIRST A NEWSPAPERMAN

(By George Cook)

(EDITOR'S NOTE.—Duard Le Grand has always spoken for himself in the columns of The Post-Herald—but never about himself. This was written without his foreknowledge, and for good reason: Mr. Le Grand might

have shied away from its publication had he known.)

Tag no term such as "journalist" on Duard Le Grand.

"Newspaperman" is the word he likes. And the retiring editor of the Post-Herald has been a newspaperman from first to last over a span of almost 40 years.

About 10 years ago, a few months after he had become editor, Le Grand stood in a gathering at the White House during the Johnson administration and (he recounted later) asked himself, "What is a Eufaula boy doing here?"

The reason at the time, of course, was that he was a member of the American Society of Newspaper Editors and its members were attending a presidential reception at the White House.

But the first steps toward that visit to the presidential mansion probably were taken when Le Grand threw papers and wrote a high school column for the Eufaula Daily Citizen a half century ago.

Born in Macon, Ga., he grew up in Eufaula, developing that sense of kinship and community that is so typically found in small southern towns.

He was graduated from Eufaula High School and attended Birmingham-Southern College on a four-year scholarship, receiving an AB degree in 1934.

Completion of his undergraduate years at Southern sent him out into the workaday world so young (19) that he found it difficult to find a job. (The Depression was on then, too.)

For the next several years he studied toward a master's degree at the University of Alabama, worked for a time on the Eufaula paper, and sold textbooks for a publishing firm.

But what he wanted and continued to seek was a job as a reporter on a big city daily. He got that job at last in January, 1939, going to work for the then Birmingham Post at \$15 a week.

Two years later veteran Post-Herald courthouse reporter Jane Aldridge joined the staff.

"I got the reporting job Duard vacated when he went on the copy desk," Miss Aldridge remembered. "And I remember he was the first one on the staff to go into service in World War II. He seemed so young."

Le Grand served four years during the war, performing as an Air Force intelligence officer and attaining the rank of major. One time, during the early part of the war, Le Grand came back to Birmingham on a two weeks leave.

The then managing editor, desperate for a vacation, asked Le Grand if he would take on the job of news editor during his leave.

The arrangement was agreed to by the editor with some misgivings. And, as a matter of fact, when Le Grand sat in the "slot" on that first day, he found the editor had come in early just to make sure the paper was going to get out.

"He was satisfied by the end of the day," Le Grand later remembered. "It was a great experience for me."

At war's end, Le Grand returned to the staff as news editor. In 1949 he was named city editor, a post he was to hold for 16 years—for one year on the afternoon daily, the Post and then 15 years on its successor, the Post-Herald, the present morning paper.

During these years he was the man who allotted Post-Herald reporters their newsgathering tasks, imbuing them with the highest standards of newspapering, encouraging them to develop their own writing styles.

His patience was and is immense. But staffers recall a time when it was stretched a little thin.

One reporter, it seems, had shopped herself out of her rent money and had been required to vacate her apartment.

Le Grand learned that she had taken up residence on the company premises. "I must be the only Scripps-Howard editor in the country who's got a reporter living in the ladies lounge," he said.

Sid Thomas is city editor now of the Post-Herald.

"My association with Duard Le Grand has been gratifying because he believes in reporting the news factually without tinkering with it," he said.

"He holds that the public has the right to know the whole story—good or bad. This is not always true in newspapering."

Said Ernie Pyle award-winning columnist Cletthus Atkinson:

"From the very first week I worked with Duard Le Grand I was impressed with his ability to keep his cool, no matter the situation. During his time as city editor, managing editor and editor of the Post-Herald he displayed the remarkable talent of keeping his head when others figuratively lost theirs. He could bring calm to chaos.

"Too, there was his custom of an 'open door' policy to his office. Many's the time I've gone to him, sometimes elated, sometimes dejected, and he'd listen until I got it off my chest. Then he'd reason, make sense in his answer.

"I particularly remember his encouragement when I ventured fourth with a daily column. It was Duard, not me, who entered my writings in the Ernie Pyle competition. I hadn't the confidence. He had.

"We've been together now almost 28 years. All the time I've been a learner. I was lucky Duard was the teacher."

Le Grand moved up to managing editor in 1963. Shortly afterward Jimmy Goodloe was named news editor, a post he still holds.

Some years ago Goodloe took time out each year to serve as manager of the Good-fellow Store.

"I have always known Duard as a warm, compassionate person," Goodloe said. "I remember a time a few years ago when we had trouble getting toys because the supplier's warehouse had burned down. It turned out we had plenty of coloring books for the youngsters, but no crayons and little candy.

"Le Grand spent almost an entire day going from place to place about the city until he got enough crayons and candy."

After four years as managing editor, Le Grand was appointed editor of The Post-Herald in January, 1967.

During the years since Birmingham has changed more philosophically than at any other time in its history.

During that period Le Grand has written a distinguished column, "From the desk of the editor," which has been on the cutting edge of that change.

Politics has been his passion, and one of his greatest satisfactions has been the opportunity to attend national political conventions. His commentaries have not only burnished the pages of the Post-Herald, they've been widely published in other Scripps-Howard newspapers across the country.

Post-Herald political writer Ted Bryant and editorial writer Karl Seitz have been especially attuned to Editor Le Grand.

"From a political standpoint," said Bryant, "one of Duard's most valuable assets as an editor is an acute and uncompromising sense of right and wrong. When public officials use their positions for personal gain, they are wrong where Duard is concerned. When they treat people with dark skin differently, they are wrong, purely and simply.

"To Duard, being wrong is not a matter of judgment, as politicians often claim, but a public official violating the trust placed in him.

"Another asset is his almost total recall of political events, a knowledge that grew from his deep interest in understanding people, particularly southern people. He can reel off

not only the results of various events, but also the factors that brought about these results.

"It is worth nothing that Duard has his roots in Barbour County, which produced Gov. George Wallace and several other genuine Alabama political characters. But his philosophies are far different.

"A young man from out of state once asked him how far it is from Cllo, Wallace's hometown, to Eufaula, where Duard grew up.

"Without hesitation, the editor replied, 'About a million miles!'

Said Seitz:

"There are two types of editorial pages in American newspapers. Those that say little of immediate concern to their readers and those that speak clearly and directly to the issues affecting the communities they serve.

"Duard Le Grand cannot be accused of making The Post-Herald editorial page one of the former. He wants editorials to have an immediacy of time and point of view which allows them to influence the course of events.

"He does not confuse fairness with the avoidance of controversy.

"Although he takes great delight in challenging the conventional wisdom, his intention is not to be contrary for the sake of contrariness. Rather, his keen knowledge of history has led him to the belief that testing the dogmas of the day against new ideas or ideas that are temporarily out of favor will lead to improvements of the human condition.

"If he has any prejudices, they are to favor the powerless over the powerful.

"There are no sacred cows for Duard Le Grand. People and organizations with which he basically agrees are not immune from criticism. And he is willing to praise those he has opposed when they deserve it.

"Le Grand wants the Post-Herald to be regarded as a serious newspaper providing the people with the information they need to know without sensationalism.

"Despite this serious purpose, he's shunned grimmess. With his gentle, ironic humor, he is always ready to poke a little fun at the absurdities of human behavior."

Perhaps summing up for the readers at large is Willard L. (Jack) Hurley, president of First Alabama Bank and long-time friend and admirer.

Recently he wrote:

"Many hope you will not retire from writing. I am among them. The richness of prose; the sense of time and place; the ability to write of Alabama and the South without putting southern teeth on edge are rare talent. Talent that must not, just yet, subside.

"Your influence on those who read and those who write will survive your journalistic goodbyes by at least a generation.

"Your courage in disagreement with many who wandered into the easy path of identifying with the consensus is a talisman for any who have considered the 'path less traveled by.'

"Your awareness of the 'human condition' has caused those who know or read you to be more concerned with those around them.

"All of which and more give me pride in calling you friend. Retire then with the certainty that many of us are better people for the job you've done."

CONSUMERS, CONSUMERISM, AND NUTRITION

Mr. DOLE. Mr. President, in recent months the Congress like the administration has focused greater attention on the relationships between nutrition and health, an issue the American consumer has been encouraged to hear.

House Agriculture's Domestic Market-

ing, Consumer Relations, and Nutrition Subcommittee has initiated a five-part series of hearings on "the role of the Federal Government in nutrition education." The Select Committee on Nutrition and Human Needs worked hard for legislation which provides a nutrition education program for students in grades K through 12, in conjunction with federally supported school meals. In addition, the select committee has just issued a second edition of the dietary goals report, which seeks to further define and clarify many of the misunderstandings of the first report.

I am encouraged that under the Food and Agriculture Act of 1977, which I supported, human nutrition research and nutrition education will become matters of high priority at the Department of Agriculture. Of special importance is that act's promotion of better information on human nutrition research requirements, nutrition composition of foods, and factors affecting food selection.

Among other activities of the administration, the Office of Science and Technology Policy has recently examined federally supported human nutrition research efforts, and identified high priority areas and activities for the near future. I am very much encouraged by all of this activity. At the same time we are experiencing these matters in government, however, consumers are looking more and more to government and industry to help them become more knowledgeable about nutrition and also become better decisionmakers in the food market place.

Ms. Nancy Harvey Steorts, former Consumer Advisor to the Department of Agriculture, has captured the tenure of this consumer climate in recent remarks she made to the Junior League of Summit, N.J. She cites the growing assertiveness of the American consumer, the increasing role of older Americans as consumers, the demanding quality consciousness of consumers, and emerging nutritional awareness.

I would like to share with my colleagues in the Congress her timely remarks on the influence of American consumers in today's market place. I ask unanimous consent that a partial text of Ms. Steorts speech be printed in the RECORD.

There being no objection, the partial text was ordered to be printed in the RECORD, as follows:

THE INFLUENCE OF THE CONSUMER IN AMERICAN SOCIETY TODAY

The consumer movement is a major social, economic and political force in this country today and is a vital force to be contended with in the years ahead.

In a recent study, "Consumerism at the Crossroads," which was commissioned by Sentry Insurance in cooperation with Louis Harris Associates and the Marketing Science Institute of Harvard University, it was pointed out that the consumer movement is here to stay—and in fact is growing stronger every year. According to this survey, consumers still feel they are not being treated fairly in the market place and believe that the quality of goods and services has depreciated over the last ten years.

The study points out very clearly that the

business community is sharply out of step with the American people on consumer issues. It is predicted that if this attitude doesn't change business can expect to be continually attacked by both consumer activists and elected representatives which will more than likely result in more regulations.

TODAY'S CONSUMER IS DIFFERENT

Today's consumer is assertive and on the offensive. Today's consumer is a tough-minded, sophisticated tactician who's weathered a serious attack of both his food dollar and his confidence.

The consumer who only a few years ago zipped down the aisles with only a sketchy idea of what to buy is today studying labels, questioning additives, clipping coupons, making lists, comparing prices and insisting on nutritional quality in exchange for hard-earned dollars.

Grocery shopping is no longer regarded as a dumb-dumb chore. It may be frustrating, confusing and time consuming—but it is also a challenge that requires good strategy.

Supermarket purchases are being made by consumers who take this job seriously. Gone is the shopper who trusted the food companies and the supermarket implicitly. Gone is the shopper who was enchanted with convenience and eye appeal. Gone is the shopper who was indifferent about ingredients. Here today is the thinking consumer: assertive, label-reading, price-conscious, quality-oriented.

The American consumer market is undergoing new segmentation—three groups are emerging as dominant marketing forces—traditional marketing theory doesn't take them into account as they behave differently from the standard model. They are: older people, well-educated young adults, and married working women. These groups are causing marketing people to rewrite the rules. Each group has different needs and what is rational for one group may make little sense for the other group.

In recent years, consumers have been faced with rapidly changing life-styles. Coupled with the desire to live a more comfortable way of life amid this change, they have become more motivated, better prepared, and more attuned to the complexities of the society in which they live.

Consequently, today's consumers are taking more of an interest in the shopping experience. They are no longer indifferent to ingredients. Today's consumers have become label readers. They are more quality conscious. Today's consumers are more aware of nutritional value, wanting the highest quality for their food dollar.

Just as did their forebearers for generations back, today's consumers want the best possible product for the best possible price.

BACK TO THE BASICS

I think we've all noticed there is a trend to return to the basics. We've seen an increase in home gardens, a massive return to home canning and freezing, and an upsurge in the number of people preparing meals from scratch rather than depending on convenience foods.

The old adage, "You Are What You Eat," is very evident in a recent survey conducted by the Department of Agriculture which shows that there are a large number of people who want to change what they eat.

The study shows that there is a large number of people who are worried about dealing with or preventing health problems. Almost two thirds of the 1,400 people interviewed said that they, or someone in their household, suffered from some type of ailment. High blood pressure, allergies and overweight were mentioned most frequently. (In fact, according to the AMA, about one in five Americans is overweight.) About 60

percent of those with a health problem said they had changed their diet.

Both groups appear to be cutting down on items high in saturated fats and oils, replacing them with other products.

Consumers are substituting fatty red meats today with fish, poultry and lean red meats. Other changes include drinking more low fat milk, eating more cheese and using more margarine instead of butter.

Many households are also looking for special information on the labels of food and beverage products to check for the number of calories, the amount of fat, or the presence of sugar. Other types of special information consumers are seeking include vitamins, minerals, and the amount of carbohydrates.

Rather than eating sweets, snacks and fried foods, changing dieters are turning more to fresh fruits and vegetables. They are eating more salad vegetables, especially green peppers, raw broccoli, cauliflower, spinach and mushrooms.

The time has now come for industry and government to listen to the consumer—and to devise new ways for government, industry, consumerists and the university community to work together to assess programs and policies to see that they are in the best interest of the consumer.

NUTRITION—A NATIONAL PRIORITY

Consumers are looking to government and industry today to help them become more knowledgeable about nutrition and the nutritional quality of the food they are buying.

I recently attended a Conference on Nutrition and the American Food System, which was sponsored by Family Circle Magazine, Food Marketing Institute & Community Nutrition Institute in Washington. Government, industry and consumers spent two days discussing this most important subject of nutrition which is now becoming a national priority.

Senator Robert Dole in his keynote address to this Conference said, "As more and more Americans are aware of the link between what they eat and how healthy they are, nutrition is likely to be the central consideration in all our food policies." Senator Dole predicted that as the food buying habits of the American people change, the production habits of the American farmer will change.

This could bring about an entirely different scene at the supermarket.

Congressman Fred Richmond, Chairman of the House Agriculture Committee's Domestic Marketing Consumer Relations & Nutrition Subcommittee, has spearheaded a thorough five-part investigation of the role of the federal government in nutrition education.

Consumers, food industry representatives, health and education professionals, public interest and private groups, and media experts are giving their perspective on how the federal government can play a more effective role in nutrition education.

In the recent Congressional hearings which I addressed in the late fall the witnesses represented leading scientific and consumer advocacy groups, mass media communicators, industry, state and local governments, professional and consumer organizations.

CONSUMER CONCERNS

Consumers were concerned about food safety, research linking contemporary diets to chronic disease and the lack of clear-cut guidelines from scientists for improving the healthfulness of diets. More specifically, consumers are worried about:

- (1) lack of a highly visible, objective source of dietary guidance;
- (2) role of fat, cholesterol, sugar, salt and fiber in disease;
- (3) safety of processed foods;
- (4) low visibility and accessibility of federal nutrition education programs;
- (5) pervasive influence of food advertising

and marketing practices on the diets of children and family shopping and eating habits:

(6) incomprehensibility and limited usefulness of food and nutrition labeling;

(7) lack of available information and counsel for individuals with medically modified diets;

(8) contradictory and confusing messages about nutrition, weight control and healthful eating in the popular media;

(9) motivational effectiveness of industry-generated nutrition education materials compared to those of the public sector;

(10) nutritional "illiteracy" of physicians, teachers, and marketers.

Consumers want answers to their nutrition questions in language easy to understand and apply. They want information in accessible places in their communities. They want guidance which is relevant to the individualized needs of the child, the teenager, the working wife or mother, the retired couple, and the busy executive.

MUCH CRITICISM OF FEDERAL PROGRAMS

Federal efforts in nutrition education were indicted in two ways:

- (1) as inappropriate in content and
 - (2) inadequate in delivery.
- Consumers told us that they cannot find comprehensible information from government sources:

(1) conflicting, misleading and simplistic messages abound;

(2) the subjects of greatest consumer concern are given the least attention;

(3) government food and nutrition policies are contradictory;

(4) nutrition education programs lack clear-cut goals;

(5) the least efficient and effective media are used to communicate nutrition information;

(6) outdated nutrition concepts and outmoded approaches are used;

(7) dietary guidance is out of step with contemporary styles of eating and living;

(8) consumers have little or no opportunity to influence the planning of programs;

(9) no coordination of efforts is apparent either at the community or at the federal level;

(10) traditional approaches to nutrition education are boring; more creative approaches are needed;

(11) nutrition information is not available where and when people need it—in classrooms, grocery stores, food stamp offices, welfare offices; health centers, and in the popular media;

(12) no research effort to support national nutrition education programs; as a result, planning is based on guesswork; and there is a

(13) failure to involve experts in education, communications, and behavioral sciences in the development of programs;

RECOMMENDATIONS FOR IMPROVEMENT

Consumers and their representatives made a variety of recommendations to improve federal nutrition education programs. Among these were:

(1) development of an explicit Food and Nutrition Policy with goals and strategies stated in terms of consumer health and welfare;

(2) a national scientific board to advise agencies on controversial issues arising from human nutrition research;

(3) establishment of a national nutrition education program involving all agencies and cooperation of the private and voluntary sectors;

(4) a federal interagency nutrition education committee to coordinate planning and implementation of programs, with leadership assigned to a specific agency;

(5) coordination of activities at the state and local level with clear designation of leadership and responsibility;

- (6) mandated education and evaluation in all federal food programs;
- (7) research and testing to develop more innovative and relevant information and education programs;
- (8) greater reliance on the mass media as a vehicle for nutrition information;
- (9) change in the labeling program to improve consumer usage;
- (10) efforts to counteract the influence of food advertising on young children;
- (11) mandatory nutrition education in primary, secondary and professional schools;
- (12) specific budget appropriations for nutrition education in all federal programs mandating it;
- (13) support for the training of health professionals, food service workers and teachers in basic nutrition principles;
- (14) a more visible, aggressive role for the Federal Government in efforts to improve consumer food and health;

The general attitude of consumers was that it is both feasible and necessary to improve the effectiveness of current federal efforts. Some improvements will require legislative actions, others policy clarification and administrative arrangements on the part of agencies.

At the conclusion of these hearings a report will be prepared and legislation will be introduced to insure that the federal government will play an active and leading role in determining national nutrition policy.

No one alone can determine national nutrition policies. It must be a joint effort. Congressman Richmond stated that Congress must allocate more funds for nutrition research, foster inter-agency coordination, disseminate more sophisticated consumer information materials by the government, consolidate all federal efforts, demand the government take a position on labeling and consumer oriented grading programs and establish federal policy and standards on food advertising.

We must have nutrition education today. It must be a national priority. It must be available when consumers need it. It must have high visibility—in advertising—at the grocery store—in the welfare office and throughout the media. Consumers need to have the facts about the food they are buying.

A concentrated effort is needed. Government officials, industry executives, nutritionists, health officials and consumers need to work together to define the goals and direction of future nutrition policy. By working together we should be able to devise an effective nutrition policy.

In closing, I would like to offer eight tips to strengthen your consumer voice:

1. Be an active member of a local consumer group and/or civic organization concerned with consumer issues.
2. Don't be intimidated! Speak up and give your point of view based on facts.
3. Actively support your county/state consumer office.
4. Let the appropriate consumer representative at the Federal, State, or Local level know your views on specific issues.
5. Keep well informed of appropriate government proposals (federal, state, and local) affecting you the consumer.
6. Write your news media and commend them for good coverage of consumer issues.
7. Support and write industries or businesses who implement sound consumer policy and procedures—be critical of those who are not consumer-responsive.
8. Use consumer power by using your consumer voice effectively both in the marketplace as well as in government.

VERMONT'S WOOD-FIRED POWER SYSTEM

Mr. LEAHY. Mr. President, the dinosaur perished with the advent of the Ice

CXXIV—41—Part 1

Age. Its skeletal remains were converted through the eons into fossil fuels. In years to come we Americans will, in the colder regions of our country, have to fight to survive against the cold, because of energy shortages. We will hopefully do better than the dinosaur, but we cannot be assured of doing so unless we reduce drastically our dependence upon the fossil fuels, the dinosaur's gift to us.

The United States is deplorably dependent upon imported oil. Much has been said about this issue, but little has been done to effect a change. Thus, the point cannot be made often enough in our efforts to assume greater control over our future energy supply.

As you know, the United States now imports more foreign oil than at the time of the 1973 oil embargo, when our precarious position as a net importer of energy was first brought forcefully home to us.

In New England alone, 70 percent of our energy needs are satisfied by oil. Two-thirds of that oil is imported. The high cost of this imported oil has driven some industry from New England, and discouraged others from locating there. The region has thus been deprived of new economic opportunities due to our oil reliance.

New England consumers pay the highest costs in the Nation to heat and cool their homes, whether they use electricity or oil. This last winter, the price of home heating oil increased by an average of 10 percent.

In light of the foregoing, I would now like to take the opportunity to congratulate the Vermont Electric Department of the city of Burlington on its recent conversion of one of its plants to burn wood waste. I think this action deserves recognition because not only is this the first effort by a public utility to convert to wood-burning capability solely for the generation of electricity, but it has successfully done so at a minimal cost.

I laud the department's resolve to seek out alternative energy resources and hope that it continues to have the courage to shape a better destiny for us all.

Mr. President, I ask unanimous consent to have printed the following article in the RECORD. The article appeared in the October 28, 1977, Times Argus, a Vermont newspaper, and outlines the department's plans.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"HOMEMADE" WOOD-FIRED POWER SYSTEM IS WORKING

(By Kate Inman)

BURLINGTON.—The best way to describe the project of converting and installing wood chip burning equipment at the Burlington Electric's Moran generating plant is "homemade," according to Thomas Carr, generating plant superintendent.

And homemade it is, down to the use of a first aid box to house the wires connected to the monitoring lights. The design, construction and installation of the new equipment was done entirely by Burlington Electric Department personnel at a cost of some \$25,000. Carr lauded the merits of the system, saying: "If you do it yourself, you can modify and remake it."

With the wood burning capability the Moran plant becomes the first utility in the

nation to burn wood chips solely for electric generation, according to Robert Young, general manager. It now produces some five or six megawatts of power. Young also said as far as he knows, the Burlington plant is now the only plant in the nation capable of burning four fuels—coal, oil, natural gas and wood chips.

The employees at the generating plant utilized the coal-handling equipment already in place at Moran for the conversion to wood and modified from there. The wood chips are brought into the plant by conveyor belt and dumped into the bunker.

From the bunker the wood chips gravity-feed down into a bin where they are pulled forward by four augers, which are capable of being operated independently. The augers pull the wood chips forward into the chutes going into the boiler where they are blown in and burned.

In the three days the wood chips have been used for power generation they have put out between five and six megawatts of power, Carr said. The boiler unit is capable of generating 10 megawatts and with some experimentation, said Carr, he hopes to raise the output to between seven and eight and one-half megawatts.

The heat in the boiler is regulated by the load, that is the amount of wood chips, and the air blown into the boiler.

Young said this conversion is the "first step" in the things Burlington Electric wants to do with the Intervale. Young was speaking of the 50-megawatt wood chip and solid waste plant that has been proposed for that section of Burlington.

The Moran plant is one of two coal generating plants in the Northeast, Young said. It was small enough to think of converting to wood since coal apparatus is capable of handling wood, he said.

"And," Young added, "we believe Vermont can do it (burn wood). We don't know about the Arabs, strip mining or the Canadian government."

The wood is being supplied from an experimental harvesting project in South Duxbury. The green wood is chipped at the site, blown into tractor-trailer and trucked to Burlington. The wood being used is low-quality cull wood.

The cost of the wood is \$13.50 per ton. The boiler has been burning about 10 tons of wood per hour, said Young. BED officials say in terms of burning efficiency, the price is comparable to coal.

COMPETITION IN THE COAL INDUSTRY

Mr. THURMOND. Mr. President, during the 1st session of the 95th Congress, hearings were conducted in the Antitrust and Monopoly Subcommittee on S. 1927, a bill introduced by Senator KENNEDY, which would require major petroleum producers to divest themselves of any holdings in coal or uranium and would further bar their entry into both coal and uranium.

On December 30, 1977, GAO completed a report to Congress, requested by Senator EASTLAND and Senator ABRAHAM, entitled, "The State of Competition In The Coal Industry" EMD 78-22. Information provided in this report will assist the subcommittee in considering the necessity of S. 1927 as we move into the 2d session of the 95th Congress. It supplements the testimony of previous witnesses and certainly must be taken into account with the testimony of any future witnesses should further hearings be scheduled. There is a short

summary preceding the mentioned report.

Mr. President, I ask unanimous consent that this summary be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

[Comptroller General's report to the Congress]

THE STATE OF COMPETITION IN THE COAL INDUSTRY
DIGEST

A major part of United States energy policy is the maintenance of competition in the energy sector of the economy. Such competition must exist both within and among industries in this vital sector of our economy. This report analyzes the state of competition in one energy industry, coal production, and examines the potential for outside domination of this industry, particularly by petroleum companies. The study was initiated at the request of Senator Eastland as Chairman, Committee on the Judiciary, and Senator Abourezk.

CONCLUSIONS

A viable state of competition exists in the coal industry. Unless circumstances change, domination by any firm or group of firms is unlikely.

Control of current production is shared by numerous firms and ownership of coal reserves is dispersed even more. On a nationwide basis, petroleum firms account for less than 20 percent of total production and even less of coal reserves.

The degree of competition varies. In the Eastern market, large numbers of firms actively compete in both contract and spot sales; reserve ownership is well dispersed. In the two Western markets, however, the situation is dynamic and requires the continued vigilance by the Federal Trade Commission and the Department of Justice as well as by the Interior Department through its coal leasing program.

GAO's work is the result of a detailed analysis of "concentration ratios", i.e., the percent of production and reserves controlled by the leading companies as well as other pertinent factors such as entry barriers, expansion plans, and price actions.

NATIONAL CONCENTRATION RATIOS AND PETROLEUM FIRM PARTICIPATION

There is no universally accepted index to indicate monopoly power but there appears to be general agreement on the part of scholars on industrial organizations that a four-firm concentration ratio of 50 percent or more is required before there should be a presumption of monopoly power.

Estimates of concentration ratios in the American manufacturing sector as a whole range from 38 percent to 40 percent. On the basis of 1976 production, the concentration ratio in the coal industry is as follows: the top 4 firms control 25 percent, the top 8 firms 34 percent, the top 20 firms 50 percent.

GAO examined the trend since 1950 and found that the concentration ratio increased throughout 1950s and 1960s but has been declining since 1970. The reasons for the increase in the 1950s and 1960s appear to be related to generally unfavorable market conditions, merger activity, and the fact that many marginal producers left the industry. The declining concentration ratio in the 1970s appears to be the result of renewed interest in coal (particularly since 1973) and the expansion of western surface mining by new entrants into the industry.

Future concentration ratios for an extractive industry such as coal can be estimated by examining the concentration ratio of reserve ownership. GAO obtained data from

the Federal Trade Commission on reserve ownership as of January 1, 1974. Unfortunately, these estimates are available only for this one point in time which makes it impossible to examine trends in the concentration levels of reserves. The concentration levels for reserves in 1974 were 13 percent; 18 percent; and 25 percent for the top four, eight, and twenty firms, respectively. These are lower than the production concentration ratios indicating that production concentration will probably continue its downward trend.

In 1974 petroleum companies as a group accounted for approximately 19 percent of production and 14 percent of reserves. The amount of reserves attributable to the petroleum industrial group is spread among twenty-four companies. These figures suggest that the potential for petroleum company domination of the coal industry, on a national basis, is low.

REGIONAL CONCENTRATION RATIOS AND PETROLEUM FIRM PARTICIPATION

GAO identified three distinct coal markets: (1) Eastern Appalachian consisting of states in the East including such major coal producing states as Ohio, Pennsylvania, West Virginia, and eastern Kentucky; (2) Central-Western extending from Indiana to Washington and including such key coal producing areas as Illinois, Wyoming, and Colorado, and (3) the Southwestern, consisting of Arizona, New Mexico and Nevada. (See pp. III-1 and III-2).

Eastern Appalachian

The top four firms control 44 percent of this market by any group of firms. Concentration ratios in this market closely approximate the National figures. For example, the top four firms control about 22 percent of production and about 15 percent of reserves. Petroleum companies accounted for 16 percent of production and 11 percent of reserves.

Central Western

The top four firms control 44 percent of production and 17 percent of reserves in this market. While production concentration is relatively high, the lower level of reserve concentration indicates a downward trend in the future. Included in this figure, however, are the large Federal Government reserves in this market which amount to 40 percent of the total. If these reserves were omitted from the calculation, the reserve concentration ratio for the top four firms would be increased to 27 percent.

While this still indicates a downward trend in the future, the large amount of unleased coal reserves in this market creates a dynamic situation. If some firms, for example, were to acquire large tracts of reserves either from the government or from private individuals, this could lead to an increase in concentration ratios above that presently indicated.

Federal reserves represent the main source of coal reserves in this market as such they could serve as an obstacle to any firm or group seeking to dominate this market. Through a policy of selective leasing the Secretary of Interior can effectively control the number and type of firms that enter the industry and thereby assure that a viable state of competition continues to exist.

The Federal Coal Leasing Amendments Act of 1975, if properly administered, appears sufficient to assure the competitive posture of this market. These amendments require that the Department of Justice continually monitor the state of competition in the coal industry and that the Secretary of Interior consult with the Attorney General regarding the effect on competition of all proposed leases.

Petroleum companies accounted for 24 percent of production and 16 percent of reserves in this market in 1974. What this does not reveal, however, is that petroleum firms have announced expansion plans which are more

ambitious than other firms. These plans indicate that petroleum firms could control as much as 40 percent of this market's production by 1985. On this basis, it would appear that the potential for domination by the petroleum industry is greatest in this market. It must be stressed, however, that there are about 24 separate petroleum companies involved in this market. In order for them to dominate the market, they would have to act as a single decision-making unit, which is clearly illegal under Federal anti-trust laws. Further, since the petroleum companies will represent a fairly large number (about 10) of new entrants, they will actually reduce the concentration ratio. If all expansion plans by petroleum firms are accomplished, the four-firm concentration ratio would decline from 44 percent in 1976 to 30 percent by 1985.

Southwestern

The Southwestern market is small—representing only about 2 percent of national production. It is also unique in that almost all buyers are large electric utilities. There are five producers in this market and the four-firm concentration ratio is 97 percent, with 2 firms—Utah International and Peabody—producing 88 percent of this market's output. In view of the overwhelming dominance of these two firms in production, there is obviously a great potential for continued dominance of this market for the next several years. Four firms control 85 percent of the coal reserves under lease in this market. However, it is important to emphasize that only a small fraction of the deposits available for mining—perhaps as little as 11 percent—have been leased. Viewed in these terms, the 85 percent share of the four leading firms is reduced to less than 10 percent. Furthermore, the deposits not controlled by these four firms are principally under Indian or Federal government jurisdiction and as such, can be affected significantly by Federal leasing policy. The situation in the Southwestern market would appear to warrant explicit decisions by the Federal government to encourage entry by other firms.

Entry conditions and industrial behavior

In the long run, market power can be sustained only if entry into the industry by potential competitors is barred. Examples of such barriers in the coal industry are access to coal reserves and requirements for capital.

As discussed earlier, the Federal government holds the key to access to reserves in the Western markets in view of its large reserve ownership in this area. Properly managed, access to reserves should not be a formidable barrier to serious potential entrants into the industry.

Likewise, capital requirements do not appear to pose an insurmountable barrier. Starting capitalization of a new 5 million ton per year mine (a large mine) has been estimated at about \$40 million, which would not be beyond the means of many U.S. corporations. Further, it is common practice for a new entrant to contract for delivery of the coal on a long term basis prior to actual development. Financial requirements necessary to begin production probably are subjected to less risk therefore than in most other industries where consumer demand is less certain until production is underway. Conversely, this raises doubts about the contention that the petroleum industry is needed as a source of financing if the coal industry is to expand.

With entry barriers as with other factors there are differences among markets. In the Eastern market, there are many small firms and small mines, a ready-made spot market for coal sales is available, and transportation facilities are abundant. In the Western markets, contract sales predominate and commitments for large scale deliveries of coal to a relatively few buyers are more common.

Therefore, entry by small producers appears easier in the Eastern than in the Central-Western or Southwestern markets.

Analysis of coal prices shows that throughout most of the post-war period, until approximately 1968, coal prices remained relatively stable. Between 1968 and 1973 the price of coal increased but at about the same rate as labor costs. Since 1973 the huge increase in world oil prices and the uncertainty of supply has stimulated a greatly increased demand for coal which has resulted in substantially higher coal prices without matching increases in costs.

This increase in coal prices since 1973 does not necessarily imply a non-competitive market. In a competitive industry, prices will rise in response to increased demand without increased costs. While higher prices for coal in response to higher world oil prices can be consistent with competitive behavior in the coal industry, one would expect a competitive and well-functioning industry to expand output and eventually reduce price in response to the greater demand. There is evidence that this is happening. An analysis of spot prices, which are the most sensitive to market conditions, shows that these prices increased sharply in 1974, but declined just as sharply in 1975. In December 1975 spot prices were at approximately the same point as December 1973 and they have remained relatively stable through mid-1977. As coal production capacity expands, contract prices should also begin to moderate. Further, the price of coal has not increased as much as other fuels. Adjusted for inflation the cost of coal to electric utilities increased about 54 percent between 1973 and 1976. During the same period, even under partial controls, the cost of oil to utilities increased 88 percent while natural gas costs more than doubled.

Comments on this report were solicited from six separate Federal agencies. Specific comments of each agency are reprinted as an appendix to the report with the exception of: the Federal Trade Commission, which provided oral comments; and the Department of Justice, which had no comments. Of the five agencies which offered comments, four were in general agreement with the conclusions of the report and/or characterized the report as informative and useful. In contrast, the Department of Interior concluded that the report was inadequate.

GENOCIDE AND HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, we have once again heard the call for human dignity. In his state of the Union message, President Carter stated that—

The world must know that in support of human rights, the United States will stand firm.

In my opinion, there can be no greater demonstration of this commitment than the ratification of the Genocide Treaty.

This month marks the first anniversary of this administration's commitment to human rights. It has been an attempt to make a worthy ideal universal. However, it will take more than lip service on the part of the countries of the world to promote such rights.

The Genocide Convention makes attempts to destroy national, ethnical, racial, and religious groups, in whole or in part, a crime under international law. Thus, our ratification would insure participation in necessary sanctions to back up moral suasion in this area.

It is ironic that we spend so much time and energy in areas to preserve human life, such as SALT, the test ban treaty,

and the Middle East negotiations, and at the same time fail to make the small effort to reaffirm formally the value of the lives we are trying to preserve. Our credibility in promoting human rights may be undermined if we continually fail to ratify this treaty that we played such an important role in drafting.

Since legal objections to the treaty have been shown to be invalid, what conclusion can other countries make from this failure? As President Carter noted last Thursday:

The leaders of the world . . . now see that their attitude toward fundamental human rights affects their standing in the international community.

This is no less true for the United States than it is for other countries. Therefore, I urge your immediate passage of the Genocide Treaty. Previous failures to act on this treaty were damaging. Failure in the future would be disastrous.

FUTURE OF TRUCKING DEREGULATION

Mr. PERCY. Mr. President, the American Enterprise Institute for Public Policy Research recently sponsored a most informative conference on regulation and regulatory reform. At that conference, Dr. Thomas Gale Moore, professor at the Hoover Institute at Stanford University, and one of the Nation's most respected experts in the field of surface transportation, delivered a paper entitled, "The Future of Transportation Deregulation."

In his analysis of congressional attempts to deregulate the various modes of transportation, Moore states:

We have good news and bad news . . . Two transportation regulatory reform measures have been enacted in the last two years: a major reform for a minor industry and a minor reform for a major industry.

Specifically, Moore is referring to the deregulation of the air cargo industry, signed by President Carter last November, and the Rail Revitalization and Regulatory Reform (4-R) Act of 1976.

Deregulation of the airline industry is likely to occur in the near future, Moore believes. The Senate is expected to pass the Kennedy-Cannon Air Transportation Regulatory Reform Act of 1977, though passage of this bill in the House may be more difficult.

As Moore observes, however, deregulation of the trucking industry has not shown similar promise. Yet the need for reform is readily apparent:

Virtually from the passage of the Motor Carrier Act of 1935, economists have been critical of the regulation of such an inherently competitive industry. Congress has been shown that exempt trucking works well, is stable, with many firms having operated for years. It has been shown that rates are considerably inflated due to regulation.

In a previous paper, Professor Moore calculated that excess trucking rates cost consumers billions of dollars each year.

Mr. President, I am presently looking into the merits of comprehensive motor carrier reform legislation. An appropriate measure should aim at easing entry into the industry, removing illogical

routing restrictions which waste millions of gallons of fuel each year, creating a more flexible rate structure that would allow rates to drop more quickly than is now possible, and making the trucking industry rely more on competitive forces. Such legislation, properly fashioned, could eliminate many of the regulatory encrustations which prevent true competition in the private sector.

Professor Moore states that besides the academic community, the goal of trucking deregulation can and will have the support of the Antitrust Division of the Justice Department, the Council on Wage and Price Stability, the Council of Economic Advisors, and key White House staff.

I am personally inclined to believe that the trucking industry can be substantially deregulated without sacrificing the stability and efficiency that we desire. In fact, reform could make the industry operate far more efficiently at a savings of billions of dollars to the American consumer.

I wish to commend the American Enterprise Institute for its fine conference and Professor Moore for his lucid, persuasive work in this area. If trucking reform is achieved, he and others who have written so much on this subject will deserve much of the credit.

Mr. President, because of its importance in culling out key issues for discussion and debate, I ask unanimous consent that "Future of Transportation Deregulation" by Thomas Gale Moore be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE FUTURE OF TRANSPORTATION DEREGULATION

(By Thomas Gale Moore)

Six years ago I participated in a conference on "Promoting Competition in Regulated Markets" at the Brookings Institution. At that conference Professor M. J. Peck made the statement that he had attended a conference on deregulation ten years earlier, and he was looking forward to another Brookings conference recommending deregulation in another ten years. It is clear that Professor Peck was too pessimistic. Two transportation regulatory reform measures have been enacted in the last two years: a major reform for a minor industry and a minor reform for a major industry. While economists have not seen their prescriptions adopted 100 percent, Congress has begun to move.

AIR CARGO DEREGULATION

As the mod quip goes: We have good news and bad news. First the good news: The Congress has passed and the President signed a bill in November that almost totally deregulates the air cargo industry. This bill grants new certificates to any all-cargo carrier or to any passenger airline operating an all-cargo service. Next November entry is made virtually free: any U.S. citizen can submit an application to operate an all-cargo service, and the Civil Aeronautics Board (CAB) must issue the certificate within 180 days unless the applicant is found to be not "fit, willing and able." These requirements mean that existing air cargo operators can extend their operations to anywhere in the United States (except Hawaii and Alaska), can operate any sized aircraft, and charge any rates.

However, deregulation is not complete. Rates must be filed with the CAB and they

can be determined to be unlawful if the Board finds such rates to be unjustly discriminatory or predatory, or that the rates amounted to undue preference or unfair deceptive practice under existing regulations. The Board has no authority to suspend them, however.

Probably this bill moves about as far towards complete deregulation as can be expected until experience is gained with a reregulated transportation system. Nevertheless, it should be noted that some of the gains from deregulation will be muted under this bill. This bill also required that rates must be filed sixty days before they go into effect. Such a provision facilitates collusions and inhibits pricing flexibility. If a firm wanted to offer seasonal rates, it would have to file them well in advance. Seasonal rates could be considered as discriminatory as have such rates by the Interstate Commerce Commission when filed by household furniture carriers. Moreover, quickly changing rates to take account of special services is made difficult if not impossible by the new sixty-day requirement.

Nevertheless, this bill is a larger step towards total deregulation than is being contemplated for any other industry. This bill after a one-year lag opens entry completely. It is clear that the intention of the bill is also to free rates completely. Thus, it prescribes almost total deregulation. Competition will be stimulated both in service quality and in rates. Costs will be reduced due to both competitive pressures and to efficiencies that the bill permits. For example, Federal Express will no longer have to fly small planes wing tip to wing tip from major points but can put more economical larger aircraft into service. On the other hand, the residual regulation will provide carriers with an incentive to use the regulatory process to inhibit competition.

The fact remains though that this is a major regulatory reform of a minor industry. In 1975 scheduled air carriers moved 4.8 billion ton-miles of freight which is less than half of one percent of all freight carried in the United States. Even though air freight has been growing over twice as fast as freight traffic generally, it is still a minuscule proportion of total traffic.

Why did this major regulatory reform bill sail through Congress so easily? No doubt one reason was that removing this industry from CAB control did not endanger any of the major carriers. Air freight is only a small part of the business of all the regular trunk airlines whose chief business is passenger transportation. The firms for whom it is a major part of their business such as Flying Tiger Line, Federal Express, Summit Airlines, Seaboard World, and Airlift International were all supporters of the legislation. This act will be a great boon to such carriers as Flying Tiger Line which can expand from the ten U.S. cities authorized to serve by the CAB to the whole country.

It is true that some companies, especially Federal Express and Flying Tiger, have been lobbying hard for this bill for several years. It is also true that most shippers while not necessarily wildly enthusiastic over deregulation have not taken a strong stand. Few industries or companies are dependent on air freight for their business. It tends to be a special market for special occasions. Shippers in general use air freight only in emergencies. United Parcel and other trucking firms offer reasonably fast and good surface competition.

Opposition did arise from some shipper groups. The American Retail Federation in testimony last spring argued for free entry into the freight area but not freedom of pricing. That organization wanted the CAB to keep control over maximum rates. On the other hand, the National Industrial Traffic League (NIT League) testified in op-

position to completely free entry while suggesting that the CAB relax their standards some. The members of NIT League also opposed letting freight carriers be free to establish their own prices. Other opponents of deregulation of freight included the Teamsters and most of the large certified carriers.

The small size of the market can only be a partial explanation for the deregulation of the air freight industry. Part lies in the support by carriers in the industry. Part is the result of the work of many economists and lawyers in demonstrating that free markets in transportation can work to the benefit of the public. Even though this evidence has not convinced many in the shipping community of the benefits of deregulation, it does seem to have influenced policy makers.

AIRLINE DEREGULATION

Now for the bad news: The White House under Presidents Kennedy, Johnson, Nixon, Ford, and Carter has been in favor of substantial deregulation of the transportation industries. The Antitrust Division of the Justice Department has been steadfast in its advocacy of the market over regulation. The Council of Economic Advisers has given steady support and at times leadership to the movement to free airlines, trucks, and railroads from government control. Recently leaders in Congress such as Senator Kennedy have become convinced that the evidence in favor of the free market over regulated market is overwhelming. Yet after 15 years of effort, no significant legislation has passed either House.

It is clear, though, that Congress has lagged behind the executive branch in accepting the deregulation view. In 1975 Senator Kennedy held extensive hearings on airline regulation and issued a major report indicting the system. This last spring the Senate Subcommittee on Aviation of the Committee on Commerce, Science, and Transportation covered the same ground in additional hearings. With this background it is surprising that Senator Daniel Inouye (D-Hawaii) could say in a committee meeting on September 22 of this year that the arguments against automatic entry are "pure nonsense." He went on to charge that those seeking automatic entry had no idea "of what its consequences would be. There's no empirical data or evidence" that it would produce lower fares. After the studies by James Miller, William Jordan, and George Eads, that a senator could make such a statement is astounding.

The House is even less informed than the Senate. While the Senate or at least some senators have been considering the issue for several years, at least back to the hearings Senator Kennedy held in 1975, the first House hearings opened last August and concluded this fall.

HISTORICAL BACKGROUND

During the 1930's with the Great Depression, many economists and policy makers lost faith in the ability of the market to handle economic affairs. Reflecting this loss of faith were numerous governmental actions to bring economic activity under control. In the area of transportation, the 1935 Motor Carrier Act and the 1938 Civil Aeronautics Act were prime examples.

By the 1950s there was a growing recognition that the substitution of government regulation for market regulation was not always resulting in the best use of resources. Text books of the time while not supporting the abolition of the CAB or the ICC did often point out that the transportation industries had few of the characteristics of a "natural monopoly." The 1955 report of the Presidential Advisory Committee on Transportation Policy and Organization, chaired by Secretary of Commerce Sinclair Weeks, asserted that although the system of transportation had become competitive, regulatory

policy continued to be based on the assumption that transportation is monopolistic.

It is probably fair to say that economists and policy makers during the 1950s were primarily interested in making regulation work better. In the airline industry, they were concerned with reducing the subsidies being received by airlines and secondarily in promoting competition within the industry. A major concern was how to treat the "non-skeds" and the threat they posed to the profitability of the scheduled trunk lines. The concern was with balancing regulation and not too much competition. It is striking that Samuel B. Richmond, Professor of Economics and Statistics at the Graduate School of Business, Columbia University, could write a book entitled: "Regulation and Competition in Air Transportation" (Columbia University Press, 1961) that concludes:

"It is clear that both competition and direct regulation can, in the appropriate circumstances, be substituted one of the other, as mechanisms for seeking to serve the public good in the economic phases of the air transportation industry. The difficult problem, and that which is yet unresolved, is the determination of the optimum blend of these two mechanisms. Whether the current blend is viable is not yet clear. There are those who argue for modification in both directions. What is clear is that some blend is superior to the exclusive use of one or the other mechanisms; i.e., a single monopoly carrier for the nation, or alternatively, unrestricted competition."

Professor Richmond does not appear to be an exception: An earlier study by F. W. Gill and G. L. Bates, *Airline Regulation*, (Graduate School of Business, Harvard University, 1949) concluded that multiple carriers (three or more) were wasteful and of little if any constructive value.

John Meyer, Merton J. Peck, John Stenson, and Charles Zwick in their otherwise excellent book "The Economic of Competition in the Transportation Industries" (1959) do not clearly come down against regulation of the airlines or for that matter motor carriers. To be fair to the authors, their book, notwithstanding its title, was primarily concerned with railroading and to a major extent the optimum allocation of traffic between surface modes. Nevertheless, they did discuss airline regulation without making a recommendation.

Richard E. Caves, Professor Economics at the University of California at Berkeley, changed the tenor of academic writing with "Air Transport and Its Regulators" (Harvard University Press, 1962). He concluded that "the air-transport industry has characteristics of market structure that would bring market performance of reasonable quality without any economic regulation. . ."

Caves' study was the first major empirical and theoretical work on airline regulation to come down clearly for deregulation. The deregulation movement can be traced back to his work fifteen years ago. Caves argued that competition could work in the airline industry. The market structure would be neither monopolistic nor excessively competitive. For economists his work gave strong evidence in favor of deregulation. For politicians it was not convincing. Simply showing that competition could work in an industry did not demonstrate that competition would produce significantly better results than the regulated system.

It was William A. Jordan first in his Ph.D. thesis written at the University of California, Los Angeles, on the Economic Effects of Airline Regulation (1968) and then in his book on the thesis *Airline Regulation in America: Effects and Imperfections* (Johns Hopkins Press, 1970) that demonstrated the difference between a CAB regulated airline industry and a largely unregulated environment. As is well known he contrasted CAB regulated car-

riers with California intrastate airlines which up until 1965 were free of entry controls and which faced only maximum rate regulation. The contrast was clear and unambiguous. To this day the strongest evidence in favor of airline deregulation is the performance of unregulated intrastate carriers in California and more recently Texas.

During the 1960's the economics profession was becoming increasingly convinced that regulation was a poor substitute for the market place. Graduate students and undergraduates all across the country were absorbing this view of the world.

The Annual Reports of the Council of Economic Advisers give one indication of what the economics profession was thinking about policy issues. The first mention of transportation regulation was about half a page in the Economic Report of the President of January 1963 but with no mention of the topic in the Annual Report of the Council. The first time the subject appears in a Council Report was in January 1965 when two paragraphs were devoted to the subject. The ICC was mentioned once and the CAB not at all. The next year contained a much stronger several page section devoted to surface transportation. The first mention of CAB regulation came in one paragraph in the 1970 Annual Report with the first extensive treatment in the 1971 Report.

For those who became discouraged with the pace of deregulation, the preceding narrative should give some perspective. The economics profession itself was not convinced of the merits of deregulation until the 1960's. Certainly prior to the appearance of Caves' book in 1962, it would be hard to justify any statement that the economics profession generally was supporting deregulation of the airlines. The first mention in the Annual Report of the Council of Economic Advisers didn't occur until 1970. It takes time to educate the public. A fair summary might be that the economics profession was educating itself on the subject throughout the 1960's and only with the appearance of Jordan's book was there general agreement. The last seven years have been spent educating the media, the Congress, and government officials.

The easy passage of the air cargo bill suggests that the education has taken effect. This process was helped by Senator Kennedy's hearings of his Subcommittee on Administrative Practice and Procedure of the Committee on the Judiciary.

This committee held hearings during 1975 and investigated the CAB's practices and procedures. Subsequently, they issued a report which developed the evidence on the effects of regulation in such a way that critics have had difficulty defending the status quo. For these hearings Senator Kennedy brought in a special counsel, Stephen G. Breyer, from the Harvard Law School. Breyer was at the time of his appointment a member of the American Economic Association, had published several pieces on regulatory questions, and of course fully aware of the research that had been done on airline regulation.

To summarize then, Caves, Jordan, Miller, Eads, and others educated the economics profession including individuals such as Stephen Breyer. Breyer and others educated the Senate or at least part of the Senate. The result was that the air cargo bill sailed through Congress.

Current Proposals. Congress appears likely to pass an airline partial deregulation bill. This fall the Senate Commerce, Science and Transportation Committee voted out (11-2) a regulatory reform bill, the Kennedy-Cannon bill. This was after 22 markup sessions which can be generally characterized as exercises in education. Notwithstanding all the hearings prior to this point, most senators and I regret to say, probably even a higher percentage of House members, have little knowl-

edge of the evidence the effects of regulation of the airline industry or of surface transportation. They just don't know much about the regulation issue.

Besides the hearings and report that Senator Kennedy's Subcommittee on Administrative Practice held, the Senate Aviation Subcommittee held 14 days of hearings in March on a bill that Senators Kennedy and Cannon had introduced. Hearings had also been held in the previous Congress on other airline regulatory bills. Yet Congressional Quarterly reported that "Much of the early delay was caused by committee members' unfamiliarity with the regulation issue." (C.Q. November 5, 1977, 2380).

Representative Glenn Anderson (D-California) introduced last summer the first bill in the House to partially deregulate the airlines. While details differ, his bill has the same thrust as the Kennedy-Cannon bill described below. The Subcommittee on Aviation of the House Committee on Public Works and Transportation has now finished hearings and will presumably report a bill early next year.

The Senate bill as voted out would provide reform in two essential areas: rates and entry. For rates airlines could raise fares as much as 5 percent or lower them as much as 35 percent without CAB approval. The bill also provides route flexibility. Any existing airline would be allowed to automatically enter one new route of no more than 3,000 miles in each of the first two years after enactment. Beginning in 1981 each airline could enter two new routes a year, not exceeding 3,000 miles without CAB approval. During the first three years, each airline could designate three routes that would be protected from automatic entry by other airlines. Two segments could be protected from automatic entry in the fourth year and one in the fifth. After five years no route could be protected, but the Civil Aeronautics Board would have the option to change the program if it created hardships for some airlines or communities. Airlines could also drop routes but only after 90 days' notice. "Essential" services to small communities could be subsidized by the CAB.

For new firms desiring to become certified carriers, the law would be changed to have the applicant show that the new service is consistent with the public convenience and necessity. The bill states that more innovative or efficient methods of operation or significant price reductions are consistent with public convenience and necessity and the fact that a potential new competitor may divert revenue from an existing carrier is not necessarily inconsistent with the public convenience and necessity. After a long battle in committee, it was agreed that the burden of proof of showing "consistency" with the public convenience would remain on the applicant. However, the law does diminish the burden of proof by changing the requirement of showing necessity to showing consistency.

Smaller carriers than American, Delta, Eastern, TWA, and United would receive additional route protection under this bill. For all the smaller trunklines, only three existing routes could be opened for competition in the first year and four in the second. After that time they would all be open. Local service or intrastate carriers would only face the possibility of two existing routes each year being subject to new competition, but that limit would expire after three years.

PROSPECTS

The academic community has done its job. The studies have been made and little more additional research is needed. The prospects for reform now lie in the success that various groups will have in influencing the Congress. The proponents of at least partial deregulation consist of: The Carter White House,

the Council on Wage and Price Stability, the Department of Justice's Antitrust Division, the Council of Economic Advisers, a somewhat reluctant Department of Transportation, and some voices from the Civil Aeronautics Board—in particular its chairman and some staff. In addition, a group entitled "The Ad Hoc Committee on Airline Regulatory Reform" with the most unlikely assortment of members is strongly supporting the effort. The members of this committee consist of such diverse groups as the American Conservative Union and the Americans for Democratic Action, the Aviation Consumer Action Project (a Nader group), the National Retail Merchants Association, the American Association of Retired Persons, Common Cause, Cooperative League of the USA, the National Student Lobby, Sears & Roebuck, the National Association of Manufacturers, the Food Marketing Institute, and the Cooperative League of the USA are supporting the senate bill. United Airlines, Pan Am, Frontier, Hughes Air West, and PSA are supporting the effort.

Opposing deregulation efforts are other major airlines which claim that United's support is based on their already having the largest network and being in a position to gain from the route flexibility. They argue that United knows that it will not be authorized by the CAB to expand its network. Thus, deregulation is the only way it can move into other markets. In addition, organized labor is strongly opposed to any deregulation. For example, the AFL-CIO Executive Council on Airline Deregulation stated:

"Proposals to radically change the Federal regulatory laws governing air transportation . . . would adversely affect the stability of the air transport industry and the job security of over 300,000 airline employees . . .

Specifically, the legislative proposals, if enacted, would also threaten air service to many smaller cities; encourage cut-throat pricing practices in some markets and some higher prices and reduced service in smaller markets; increase the possibility of bankruptcy of several large carriers and impose financial hardship on several others, particularly local service airlines; encourage cost cutting in such vital areas as safety; jeopardize airport construction and improvements and discourage modernization of aging airline fleets."

Frank Fitzsimmons, General President of the International Brotherhood of Teamsters; John Peterpaul, General Vice President, International Association of Machinists and Aerospace Workers; Francis A. O'Connell, Legislative Director, Transport Workers Union; and representatives of the Airline Pilots Association, the Brotherhood of Railway and Airline Clerks, and the Flight Engineers' International Association have all testified in opposition to the Kennedy-Cannon Bill. The bill that came out of the Senate Commerce Committee does have a clause providing income protection to labor. If the CAB determined that lay-offs were caused by the bill, workers would be eligible for federal payments for up to three years. It is dubious that organized labor will mitigate its opposition because of this provision.

Some groups, such as the National Industrial Traffic League, support the route flexibility and entry provisions but oppose rate flexibility. Others, such as the Airport Operators Council International and the American Association of Airport Executives, oppose route flexibility but did not testify on rate flexibility.

The airlines have been attempting to convince the public by adopting a more price-competitive policy that a change in regulation is not necessary. The rapid expansion of discount rates is partially due to the liberalization of charter rules and partially due to this attempt to persuade policy makers that change is unnecessary. But at the

tion in the total quantity and quality of deny some rate cuts in order to protect the charter carriers point up the problem of continued regulation, even under a procompetition chairman.

Banks and insurance companies have also taken a negative view on the proposed legislation claiming that it will destroy the financial stability of the industry. William McCurdy, Vice President, Equitable Life Assurance Society, testified that:

"With respect to future investments under the drastic new regulations proposed, it is the consensus of the financial community that a period of substantial upheaval, if not chaos, will result probably over the next five years while present company positions change. Thereafter, the surviving larger carriers will need five additional years in which to establish a record of creditworthiness necessary to attract the long term capital required to retrofit and replace current less-productive equipment and to purchase the newer, more efficient aircraft which future survival and growth will require."

The momentum towards some deregulation is strong—so strong that it seems very likely that some bill very similar to the Kennedy-Cannon bill will pass the Senate. Action in the House will be more difficult. House members fear the loss of service to their home communities. They have explored the issue less and know less about regulatory reform.

It is unlikely that organized labor will lessen its opposition to deregulation. No doubt they are aware that deregulation is unlikely to reduce significantly the number of airline jobs. It is more likely to lead to an expansion with increased passenger traffic. Some employees may suffer though. But what organized labor really fears is the growth of non-union airlines that could spread if entry were reasonably easy. The provisions added to the Kennedy-Cannon Bill to protect labor does not and cannot address itself to this problem. Government aid to unemployed airline workers will not help maintain union wages well above opportunity costs. Labor therefore will lobby hard in the House to bottle up any bill.

The provisions in the Senate bill to protect small towns appears to be adequate to appease the worries of most small communities. Testimony before the Senate last spring tended to be muted on this subject. Thus, the only major opposition to a deregulation bill comes from most of the airlines and from organized labor. These special interest groups do have something to fear.

Nevertheless, it seems likely for the first time since airlines were regulated in 1938 that a major deregulation bill be enacted. The administration supports it. The previous administration supported it. Liberals and conservatives are behind it. The homework has been done well. The only question would seem to be timing. It may be that the House is not yet ready to pass a bill. But even if a bill fails to pass the House next spring, supporters of less regulation will try again. Within three or four years something very similar to the Kennedy-Cannon Bill will pass both houses of Congress; it might even happen within the next year.

It has now been 15 years since Richard Caves' book was published urging a free market for the airline industry. Before the 20th anniversary of its publication, a major step towards that goal will be taken. Whether you consider that excessively slow progress or not is a matter of taste. It is quick, however, compared to the progress towards deregulation of the trucking industry.

Finally, it should be noted that after this legislation does pass, no further deregulation steps can be expected in the airline industry for at least another decade. The Congress and public officials will want to see how this bill works. That will depend in part on how

the CAB interprets it. Will they be liberal in approving applications for certificates of public convenience and necessity, or will they construe words "consistent with" very strictly? In any case those in favor of a free market for the airlines will have to live for some years with what comes out of the Congress this time.

MOTOR CARRIERS

The prospects for significant deregulation of the trucking industry are not nearly as bright as they are for airlines. No bill is currently before Congress. The administration has not indicated when or if it will act. The Secretary of Transportation, as is well known, is opposed to any deregulation. The White House which has generally expressed support of the concept is waiting for the outcome of the airline bill. White House staff have indicated that they do not want to muddy the deregulation effort on airlines with a motor carrier bill. Moreover, there is apparently a concern that the Carter administration has already flooded the Congress with more major bills than Congress can handle.

ACADEMIC CRITICISM

Virtually from the passage of the Motor Carriers Act, economists have been critical of the regulation of such an inherently competitive industry. Over the four decades since regulation was imposed, the impacts of regulation on trucking rates, costs, efficiency, and service quality have been subject to much analysis. One of the earliest was James C. Nelson's work when he was assistant director of the Division of Economic Studies of the Board of Investigation and Research between 1941 and 1944. In that pioneering work he analyzed and described the restrictions that the ICC had imposed in issuing the grandfather certificates of public convenience and necessity. Another pioneer was Walter Adams who in the mid 1950's with James B. Hendry did a study for the Senate Select Committee on Small Business on ICC policies and the growth of concentration in the regulated trucking industry. In 1957 Professor Adams gave a paper at the American Economic Association annual meeting on "The Role of Competition in the Regulated Industries" in which he clearly spelled out the rationale for moving to an unregulated trucking industry.

The Department of Agriculture studied the impact of court decisions during the 1950's that resulted in deregulating the carriage of specific commodities. They also published studies of unregulated exempt agricultural haulers. Nelson has continued to produce evidence supporting the abolition of regulation.

Unlike the airline situation, there has been little need to educate the academic economist on the virtues of an unregulated trucking industry. Nevertheless, economists have developed a welter of evidence on the subject. It has been shown that exempt trucking works well, is stable, with many firms having operated for years. It has been shown that rates are considerably inflated due to regulation. Transportation scholars have made various estimates of the costs of regulation and of the transfers to special interest groups due to regulation. The unregulated British and Australian trucking systems have been described. The subject of service to small communities and of less-than-truckload shipments has been well analyzed. Yet Congress remains unimpressed.

THE EDUCATION OF POLICYMAKERS

Back in the mid 1950's Secretary of Commerce Sinclair Weeks chaired a cabinet committee on transportation policy which recommended among other things more control over agricultural exempt carriage and private carriage. It is hard to believe that a cabinet committee would make the same recommendation today. There appears to be general recognition that regulation of trucking is not justified.

The Weeks committee also proposed a zone of reasonableness for railroads with minimum rates of variable costs and maximum rates at least equal to full costs with rates held to a "reasonable" limit for noncompetitive traffic. Some economists such as Walter Adams criticized the advisory committee's recommendations on the grounds that they promoted monopoly, not competition. While the criticism was justified in connection with the tightening of entry restrictions, the advocacy of a zone of reasonableness was timidly introduced 21 years later in the 4-R Act.

In 1962 President Kennedy proposed some significant deregulation of railroads, trucks, and barges. In particular he proposed removing minimum rate regulatory authority from the ICC, CAB, and the Federal Maritime Commission for bulk commodities, agricultural and fishery products, and passenger transport. Hearings were held in 1962 but nothing was enacted. The administration introduced a similar bill in 1963 and further hearings were held. In 1964 the House Committee put together a bill that included complete deregulation of agricultural carriage by all modes and repeal of the commodities clause. The administration felt that it had to oppose this much deregulation and the bill was allowed to die.

In the mid 1960's the president appointed a Task Force on Transportation Policy chaired by George W. Hilton. The task force which included Allen Ferguson, John Meyer, James R. Nelson, Robert A. Nelson, George W. Wilson, Franz B. Wolf, and Benjamin Chinitz recommended among other things the removal of legal barriers to entry and abandonment on the part of common carriers, the elimination of most of the authority of the Interstate Commerce Commission to regulate minimum rates, repeal of the long-haul-short-haul provisions of the Interstate Commerce Act, amendment of the Interstate Commerce Act to deny carriers the right to request suspension of proposed rates, and amendment of the Federal Aviation Act to eliminate rate regulation of all unsubsidized domestic air passenger transport. As is obvious, nothing resulted directly from this task force report; but it was widely circulated in the government, and it must have had an educational role.

The next major attempt to amend the Interstate Commerce Act occurred in 1971 under the Nixon administration. The Department of Transportation proposed the Transportation Regulatory Modernization Act after the White House refused to sponsor the act due to Teamster opposition. This bill would have reduced control over entry into trucking, would have facilitated the broadening of existing certificates both as to commodities and to routes authorized, and would have established a zone of reasonableness for prices. In particular, the bill would have added a new paragraph to the Interstate Commerce Act that would have read as follows:

"No certificate shall be denied upon the grounds that its issuance would result in the diversion of traffic from any existing carrier, unless the Commission finds that granting such license would result in a diminution in the total quantity and quality of service available to the public . . ."

Another amendment dealing with the restrictions in certificates would have read in part:

" . . . the Commission shall not impose any term, condition, or limitation on any certificate or permit issued . . . with respect to commodities carried, points served, equipment used, or routes used or otherwise, for the purpose of preventing diversion of traffic from and existing licensed carrier or carriers, unless it finds that absent such restriction or restrictions, there would be a diminu-

tion in the total quantity and quality of service available to the public."

The zone of reasonableness for rates would have established a floor of variable cost and an upper limit of 150 percent of fully allocated cost. Any proposed rate within this zone would have been per se legal unless it violated the long-and-short haul clause or was unjust, preferential, prejudicial, or unduly discriminatory. The zone would have applied both to railroads and to trucking firms.

Both the Senate and the House held extensive hearings on this bill in the spring of 1972, but no bill was passed. Paradoxically, the bankruptcy of the Penn-Central in 1972 both helped and hurt the deregulation effort. It focused attention on transportation and especially rail transportation and made imperative some Congressional response. At the same time the concentration on bailing out the northeast railroad network diverted attention from the cost of regulation in trucking. Moreover, while regulation played a part in the sorry financial position of the railroads, it clearly was not the sole or even the major factor behind the Penn-Central problem. The most that could be expected by even the most optimistic deregulators was that over time some deregulation would help the railroads but it would take awhile. What was needed was a quick fix and not a long run change in the rules that might easily make the railroads worse off in the short run.

Nevertheless, the eventual passage of the Railroad Revitalization Act and Regulatory Reform Act of 1976 (the 4-R Act) can be attributed to the Penn-Central debacle and to the earlier studies on the advantages of less regulation. The 4-R Act is discussed in more detail below.

THE PROSPECTS FOR MOTOR CARRIER REFORM

As mentioned at the beginning of this section, the prospects for even partial deregulation of trucking are not great. For one thing the subject is not of great interest to many voters. Trucking regulation is arcane and of only tangential interest to not only the average voter but also to most congressmen and senators. Thus, while consumers groups can in principle be expected to support deregulation, it is not likely to get their best efforts.

Besides the academic community the goal of less regulation of motor carriers can and will have the support of the antitrust division of the Justice Department, the Council on Wage and Price Stability, the Council of Economic Advisers, and key White House staff. In addition, Senator Kennedy who was so instrumental in laying the groundwork for airline deregulation is planning to do the same thing for the trucking industry. His antitrust subcommittee has already commenced hearings on trucking regulation. The initial hearings held in October focused on the role of rate bureaus in establishing rates and restricting competition.

At Senator Kennedy's hearings Assistant Attorney General John H. Shenefield testified with the approval of the Office of Management and Budget in favor of substantial deregulation of the motor carrier industry. He asserted that the Carter administration is committed to this goal and that the Justice Department is working with other agencies to develop legislative and administrative proposals. The antitrust division chief recommended limitations on entry should be removed or substantially diminished and that motor carriers should be given the general freedom to set their own rates with a minimum of ICC interference. He promised the subcommittee that the administration would have a bill in January.

The Secretary of Transportation was apparently surprised by Mr. Shenefield's statement. Secretary Brock Adams has clarified the administration's position by saying that

the interagency task force plans to have an option memo for the President by January 1.

Senator Kennedy is planning to broaden the hearings in the new year to include all aspects of motor carrier regulation, including entry restrictions. Even if the administration fails to agree on a bill, the senate antitrust subcommittee will continue to explore the issue in depth.

In the past Brock Adams has made no secret of his opposition to deregulation of transportation, especially trucking. On the other hand the Justice Department is committed to having an administration bill. President Carter's instincts are probably in favor of less regulation; but if next year the Congress is still bogged down dealing with his earlier proposals, the President may feel that sending another controversial bill to the hill will only make him lose credibility.

Outside of the government and academic specialists, it is hard to find support for deregulation. While some shippers are for free entry into trucking (not all of them were for it during the 1972 hearings), many are fearful of rate deregulation. Some worry about low rates for their competitors; others about their own rates possibly going up. Thus, unlike the issue of airline control where users (passengers) are for deregulation, users of trucking services are not unanimously or even overwhelmingly in favor of major deregulation.

Small communities also worry about the continuation of service with deregulation. Some regulatory assurance may be necessary to eliminate or mitigate this opposition.

Of course, the owners of certificates of public convenience and necessity and of operating permits are strongly opposed to any threat to the value of their assets. The New York Times has editorialized in favor of buying out the value of these assets. This may be a necessary step to negotiating any major deregulation bill through Congress. On the other hand many consumer groups, liberals, and conservatives will be opposed to giving taxpayer money to the owners of operating rights, many of whom are quite wealthy.

But buying out the asset value of the operating rights will not eliminate the vehement opposition of organized labor. The Teamsters Union will resist strongly attempts to deregulate trucking. They fear with some justification that under free entry, the industry would be inundated with nonunion trucking firms. Certainly owner-operators would be a major threat to the high wages currently received by Teamster members.

Within the trucking industry itself some support for deregulation may come. The editor and publisher of *Overdrive*, a magazine for independent truckers, has advocated deregulation. There are some certified carriers, both small and large, which can benefit by freeing entry restrictions.

The railroad industry is likely to be strongly opposed to deregulation of trucking. Lower freight rates for motor carriage will undoubtedly result from deregulation. This will divert traffic from railroads. While they can and will respond with lower rates, they will not believe that lower rates and the loss of business to trucks will be in their interest.

Academic and governmental supporters of deregulation have generally not faced this issue. Deregulation of trucking is very likely to make the already sick railroad industry worse. Even if deregulation of trucking results in the elimination of railroad regulation, in order to let them compete, it is unlikely in the short run to benefit rail carriers. Thus, deregulation of trucking could result in significant pressures to subsidize or nationalize our rail system. Total deregulation of all surface modes should eventually result in a more healthy and slimmer railroad industry. But the transition may be painful: so painful that Congress may not agree.

The Interstate Commerce Commission is, of course, opposed to any tampering with its authority. It is attempting to demonstrate that the goals of deregulation can be achieved under its existing authority. The Commission has extended the area of commercial zones around big cities which are free from regulation. The trucking industry has been very vocal in opposition to this partial deregulation. In addition, the Commission has been holding hearings on proposals to liberalize entry restrictions. They have found that industry spokesmen are on both sides of the issue. Many small firms feel that entry standards are already too easy while some big firms anxious to expand feel that they are too stringent and would like to see some relaxation. Moreover, the ICC is looking into the question of rate bureaus. Thus, they claim that deregulation is unnecessary.

In summary, there is considerable opposition to deregulation of trucking. If Congress does act it will be a testimony to academic perseverance and scholarship that has convinced the public, congress, and government officials, who have individually only a little to gain, of the rightness of a cause. If Sam Peltzman's model of regulation is correct, there is little hope of deregulation. He argues that regulation is a result of a variety of special interest groups being given benefits through the process. The gainers from deregulations are individually unlikely to see any significant benefits while the losers will suffer large losses.

If through consumer groups, Common Cause, the media, and a combination of free market advocates with liberal groups can be induced to actively support and work for deregulation, then there is a chance. At this point two Senators, Kennedy and Percy, are actively in favor of change. With White House support legislation in the next three to five years is possible.

THE 4-R ACT

In the twenty odd years of effort to deregulate the surface transportation industries, one and only minor deregulation bill has passed Congress: The Railroad Revitalization and Regulatory Reform Act (4-R Act). This bill provides a no suspend zone of reasonableness, encourages seasonal rates, and makes abandonment even more difficult than before.

The Act provides new standards for just and reasonable rates. Any rate that is equal to or exceeds variable costs cannot be considered to be unjustly or unreasonably low. No rate can be considered to be too high unless the carrier has "market dominance." Rates cannot be held up to a particular level to protect the traffic of any other carrier or mode unless the rate is below variable cost. For a two year period after enactment, which was February 1976, railroads may raise or lower rates 7 percent from the level at the beginning of each year without suspension because of reasonableness. Rates, however, can be suspended because they are discriminatory, and decreases in rates can be suspended if unfair, predatory, destructive, or undermines competition.

The 4-R Act also restricts the rate bureau antitrust exemption. Within rate bureaus carriers cannot agree on or vote on single line rates. The Act instructs the ICC to facilitate seasonal rates and separate pricing for distinct services, both of which were legally possible prior to this Act.

Congress apparently wanted to provide additional flexibility of rate making. Unfortunately, the Act as it eventually was passed was so compromised between shipper fears and the desire to promote flexibility that not much was accomplished.

Very few rates have been filed under the Yo-Yo (the 7 percent up and down) provision. Partly this is because very little if any real additional rate freedom has been added.

Under the Yo-Yo provision higher rates can be suspended if the Commission finds market dominance. Proposals to increase rates under normal procedures also face a market dominance test. Lower rates face the variable cost floor. None of the few rates filed under the Yo-Yo provisions has been reductions.

The Commission has established three rebuttable presumptions of market dominance that are so strict as to seriously inhibit the rate flexibility that Congress and the administration had in mind. First, the carrier is presumed to have market dominance if it has a market share greater than or equal to 70 percent of the relevant market. The relevant market is defined narrowly to be that market for which the particular tariff has been filed. The Commission itself in its report to Congress has estimated that about 45 percent of current railroad traffic is likely to meet this market dominance test.

The second test of market dominance is rather strange from an economic point of view. If the rate equals or exceeds 160 percent of variable cost, the railroad is presumed to have market dominance no matter how small its market share. The Commission admits that its cost estimates may not be always the appropriate measure. About 11 percent of current traffic moves at rates estimated by the ICC to be equal to or over 160 percent of variable costs.

The third test is that shippers or consignees have made a substantial investment in rail-related equipment or facilities which prevents or makes impractical the use of another carrier or mode. The Commission has estimated that about one-quarter of rail traffic would meet this test of market dominance.

Altogether the Commission estimated on the basis of a waybill sample that some 48.5 percent of railroad traffic would meet one or more of these tests. Of the non-market dominant traffic, some 57 percent is carried at rates calculated to be below variable cost and therefore noncompensatory. Since railroads are free to raise these rates to variable costs, the fact that they do not do so implies that the rates do cover marginal costs and that competitive conditions are such that rates cannot profitably be increased. The Commission study also shows that most traffic for which there is market dominance consists of bulk commodities; manufactured commodities rarely are subject to market dominance. But for manufactured commodities, truck competition is a viable alternative and constrains rate increases.

Generally the market dominance test has inhibited the railroads from seeking higher rates where shippers would pay them and authorized the railroads to charge higher rates where market conditions will not permit them. As a consequence it has not facilitated rate flexibility.

The only real improvement in regulation due to the 4-R Act is the encouragement of seasonal rates. There have been three filings of seasonal rates under this provision. The Southern Freight Traffic Bureau has proposed a 20 percent increase in rates during the peak period of September 15 to December 15 for grain and soybeans. Proposals have also been submitted for reduced rates for 5 months for limestone by the Southern Railroad and off-season rates on wheat, corn, and soybeans by the Chicago and Northwestern railroad.

As both the ICC and the Department of Transportation have pointed out in reports to Congress, the Act is too new to adequately judge. Nevertheless, the interpretation of the Act by the Commission, especially the market dominance definition, can only frustrate legislative objectives. Early use of the Act by railroads to achieve additional flexibility has been meager and does not augur well for meeting Congressional aims.

There are at least two lessons to be learned from the 4-R Act. First, the railroads are not

eager to aggressively cut rates to attract business from other carriers or modes. This lack of aggressiveness may be because price cuts would attract too little traffic to be profitable or because lower rates would be below marginal cost or because executives of railroad companies are not sufficiently market oriented to take advantage of the existing opportunities. Probably the truth is that all factors are at work. There are few markets where cutting rates would significantly add business. Moreover, most railroad executives do not think in terms of aggressive marketing strategies.

The second lesson is that significant regulatory reform is difficult to achieve. Congress is timid about permitting free pricing and the regulatory agencies will continue to stifle competition. Of course, the railroad industry is the mode for which it is most difficult to achieve competition. It is a declining industry where free entry has no meaning. Most narrowly defined traffic markets will have only a few competitors. The argument that one region of the country competes with another or that railroads carrying grain to Louisiana compete with railroads moving grain to Baltimore is not compelling to everyone. Thus, even total deregulation of the railroads would not work immediate miracles nor achieve a profitable low cost railroad system.

It is important to stress that weak legislation such as the 4-R Act cannot be considered an important regulatory reform measure. Airline regulatory reform must go beyond what the Congress did for railroads to be significant. Reform must be structured so that an unfriendly regulatory commission cannot frustrate the aims of the act.

CONCLUSION

This paper has not considered regulatory reform in other sectors of the transportation industries such as the maritime industry, barge lines, freight forwards, or surface passenger transportation. Each of these industries is worthy of deregulation, but little research has been done on the impact of regulation in these sectors. Reform will take years of building the case, developing regulatory reform proposals and educating policy makers.

The best chance of regulatory reduction now lies in the airline industry. The case for reform has been clearly made, the proponents of change are in a strong political position, and even some of the industry supports partial deregulation. If airline reform fails in Congress, there is no hope for deregulation of any other sector. It is likely that the Carter administration will not even introduce a trucking deregulation bill until it is clear whether Congress will act on changing the Federal Aviation Act.

Even if airline deregulation does come about, achieving trucking deregulation will be very difficult. Most if not all of the industry oppose it. Shippers are not eager supporters and some will oppose parts of any deregulation proposal. The effect on the railroads will have to be considered. Significantly, the Teamsters will wage an unrelenting fight against change. Thus, the prospects are not good, but the probability is not zero. The momentum towards reform is there. The industry is clearly worried that legislation will pass.

If motor carriers are deregulated, it will be important to return to the subject of ICC control of railroads and make a bold move towards deregulation. Under those circumstances the railroads would probably support deregulation and only shippers would be opposed.

To end on an optimistic note, economists have shown that they can be very influential. Without the studies made by numerous academics, there would be no movement towards deregulation. While economists can become discouraged with the pace with

which Congress adopts their obviously brilliant analyses, given the opposition and that generally "they haven't met a payroll or run a railroad," it is amazing that academics have had so much influence.

U.S. FOREIGN ASSISTANCE

Mr. McGOVERN. Mr. President, as Director of the Food for Peace program under President Kennedy, I saw the desperate poverty that afflicts nearly one-quarter of the world's population. That program was but one aspect of an American commitment to relieve the suffering of those untold millions.

Now, nearly 20 years later, we find that commitment has not been met, not only because of inadequate funding, but also because of the changing nature of the needs of the underdeveloped countries and the failure of our Government to devise new programs to meet those needs.

Henry Bradsher has written an excellent two-part series for the Washington Star outlining the problem and some of the solutions being considered. Mr. Kai Bird has also written a perceptive article on the food for peace program for the Washington Post. I commend these two articles to my colleagues and ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Star, Dec. 29, 1977]

UNITED STATES RETHINKING HOW TO GET AID TO THE WORLD'S POOR

(By Henry S. Bradsher)

(The United States can and will take the lead in such efforts . . . (to) guarantee the basic right of every human being to be free of poverty and hunger and disease. . . . President Carter's "Statement to the World" on Inauguration Day.)

A recent administration study declared that, "if present trends in world hunger, population growth, environmental degradation, nuclear weapons proliferation, and armed conflict continue unabated, the world by the end of this century could become increasingly unstable, suffer economic stagnation and be a much more dangerous place in which to live."

In the past 11 months, President Carter has spent a lot of time trying to deal with the trends in weapons and conflict. His efforts have attracted a lot of public attention.

But the recent study was addressed to another presidential concern that has received little attention. That is Carter's strong humanitarian feeling for the "approximately one-quarter of the world's population living in destitution and desperation."

That description of the size of the world poverty problem is given in the study by the Development Coordination Committee, which is composed of about a dozen administration branches.

For the first time since John F. Kennedy came into office talking about the importance to the whole world of alleviating poverty in countries like India, an American administration is taking a fresh look at the subject of foreign aid for economic development. It is framing that look with broader related questions such as poor countries' needs for greater trade opportunities.

The result so far has been new thinking on the strategy of getting aid to poor people, plans to improve the efficiency of aid delivery and a decision to spend more money on aid. But, according to some administration

sources and informed observers in Congress and elsewhere, some basic questions remain to be faced.

Carter has decided to ask Congress for a moderate increase in foreign aid in the fiscal 1979 budget that goes to Capitol Hill next month. The president has also set a target of trying to double economic assistance to about \$8 billion by 1982.

But there is some question whether the fiscal 1979 request is large enough to establish a trend up toward that goal, or whether it shows a willingness to fight for large enough increases to reach it.

In uninflated terms, aid has slipped in the past decade. Turning it around could require a major political effort. With such other large struggles ahead as energy legislation, the Panama Canal treaties and eventually maybe a SALT treaty, Carter could be faced with a hard decision on how much political capital he can afford to spend on helping poor foreigners.

Kennedy increased the U.S. moral commitment to helping the poor abroad. But his successor, Lyndon B. Johnson, shifted the emphasis to the poor at home.

Official spending on social objectives in the United States rose as a result of the Great Society's new welfare programs from \$216 a person in 1966 to \$572 last year. At the same time, U.S. economic aid to developing countries fell from about \$4.81 from each American to \$1.59.

During this same decade, a study by the Brookings Institution notes, the per capita gross national product of the United States rose from \$4,558 to \$5,404 in uninflated terms of 1970 dollars, while per capita income in developing countries rose from \$159 to \$186 a year.

During the past decade, the number of American families below the officially defined level of absolute poverty has dropped by some 60 percent. It was approximately 7 percent of all families in 1975—a figure that shows economic aid problems continue to exist inside the world's richest country.

But outside, there has not been a significant drop. The problem of world poverty remains tremendous despite the progress in limited areas that can be attributed to a quarter-century of aid to what officials call less developed countries, or LDCs.

It is this continuing problem that touched the deep moralistic streak in Jimmy Carter. Aside from the arguments that can be made about American self-interest in the prosperity of countries that sell the United States vital raw materials and buy its food and industrial products, Carter wanted to increase and improve the U.S. response to the humanitarian problem.

The response has actually been decreasing and, many critics say, getting more tied up in bureaucracy rather than improving. Improving aid, raising the effectiveness of the American effort to help break cycles of hunger and disease, is a difficult job even with more money.

Inflation has cut the value of foreign aid in half since the 1950s, although the dollar figures have changed little. As a result, U.S. aid has been steadily declining in the real terms of improved seeds, supplies and advice for ending the pollution of drinking water and other help that the money voted by Congress can provide.

In the 1950s the emphasis in aid began to switch away from the recovery of Western Europe and Japan, to which the United States had devoted as much as 1.8 percent of its GNP. The emphasis moved to countries coming out of colonialism that were still primarily engaged in subsistence agriculture.

The United States spent about 0.65 percent of its GNP to help the developing countries in the mid-1950s.

The percentage has steadily declined as the economy has expanded, so that aid is now a much smaller burden on the country—and

much less of an effort is being made to help those not so rich as Americans. In the 1976 fiscal year, only 0.29 percent of GNP was committed to aid. Only 0.26 percent was actually spent in the 1976 calendar year.

That meant the richest country did not try as hard to help poor countries as 11 other industrial nations did, according to the international authority on aid efforts. It is the Development Assistance Committee of the Industrialized Western countries' forum, the Organization for Economic Cooperation and Development.

The other 11 supported economic development abroad with efforts from Sweden's most generous 0.82 percent of GNP down to Germany's 0.31 percent, DAC figures show.

Carter decided a few days before Christmas to ask Congress for a larger foreign aid allocation in the budget year that begins next Oct. 1. In the current fiscal year the total for economic development aid—excluding military assistance—is slightly under \$4 billion.

The increase that Carter will seek for FY 1979 is a respectable one, according to official thinking. But "it hardly represents a landmark decision in the history of foreign aid," a key administration specialist says. "The really big decisions haven't been faced yet."

Another official said the coming fiscal year is not really the critical one. If the administration's long-term goals for helping the world are to be met, however, hard decisions about selling a larger aid program have to be taken by next year when the FY80 budget is being put together.

Meanwhile Congress is beginning to take a fresh look at aid. Sen. HUBERT H. HUMPHREY called last March for a complete rewriting of aid legislation. His foreign assistance subcommittee of the Senate Foreign Relations Committee has been studying the subject for the last few months in preparations for hearings early in the new session of Congress.

While Canada's aid program of some \$1 billion is flexibly based on a one-page document, the present U.S. law is an accumulation of 207 articles, many no longer pertinent. "We want to scrape the barnacles off of it and start off with something more workable and up to date," says a subcommittee staff member.

One of Humphrey's specialists, Frank Ballance, recently told representatives of public volunteer aid agencies that Congress has to accept responsibility for the present problems of the aid program rather than just wait for the administration to take the lead.

Ballance said aspects that the subcommittee should examine include the need for a more innovative approach to development needs rather than choking every response in bureaucracy, for long-term consistency of purpose rather than seeking quick-fix solutions to basic economic and human problems, and for reaching the poor at the grassroots rather than letting aid go to an already relatively prosperous elite in poor countries.

Most important, Ballance said, is the need for an American approach that focuses on development goals and then puts cost figures on them. He and others have criticized past and present administrations for thinking in terms of budget allocations instead of needs and the capability of meeting them.

"There's a big gap between recognizing the humanitarian problems involved in people starving, or in being so malnourished that they can't do much to improve their situation, and putting a figure in a budget," one close observer said.

"Somehow, the government just never seems to bridge it very well. It doesn't seem to make a convincing connection between the need and the amount of money that it proposes to spend."

The Development Coordination Committee took a detailed look at that need. The DCC included representatives of the Agency

for International Development that handles the \$1.3 billion a year that the United States is providing in grants and concessional loans to foreign countries this year, the Agriculture Department that handles a bit more in food aid known as PL480 assistance, Treasury that supervises the \$1 billion of U.S. aid channelled through the World Bank's cheap loan program and other multilateral organizations, the State Department, the president's special trade representative and other administration units.

The DCC study says population growth possibly should lead the list of global economic development problems, since the extent of such other problems as food, environment and energy will largely be determined by the number of people on the earth.

The president of the World Bank, Robert S. McNamara, said last spring that population growth rates may at last have begun to decline in developing countries. But the present world population of some 4.2 billion is already destined to increase to 6.3 billion by the year 2000, and without more effective efforts to limit growth the population will not stabilize until it reaches 11 billion, he warned.

Economists specializing in development problems have increasingly realized in recent years that family planning programs cannot be run in isolation, as was long tried from India to Central America. Unless impoverished villagers are educated in family planning methods as part of an overall effort to improve their health and standard of living, results will be limited.

A recent study by the National Academy of Sciences says developing countries will have to double their food production by the end of the century in order to meet food needs.

The United States has paid for much of its imported oil and other foreign needs by becoming the world's main food exporter. But it cannot supply the foreseeable needs of developing countries either in tonnage or in terms of prices that would not wreck American household budgets for groceries.

The DCC study notes that developing countries do not presently use much energy. They will need more, however. Relatively small, simple new ways like improving solar energy collectors are needed for them to make economic progress in a world that cannot supply oil or coal to every country at the rate it is consumed by those already industrialized.

These problems cannot be solved simply by giving aid money to poor countries.

Many of the countries need to make basic and politically very difficult internal reforms in order to achieve substantial economic growth that reaches the masses of their people. Aid, long seen as an outside solution, is now increasingly recognized to be useful primarily as a catalyst for essential changes that encourage and facilitate the natural desire of people to live better.

And as poor countries develop modern economies, they need to sell things to industrialized nations in order to continue their own growth from domestically generated resources.

These two aspects of the economic development process continue to cause policy problems for the United States.

[From the Washington Post, Dec. 30, 1977]
FOREIGN AID TARGET: FINDING A WAY TO HELP THE POOR

(By Henry S. Bradsher)

Photos of smiling farmers of a village high in the Andes who now have better diets, smiling fishermen on an African beach who now catch more fish, and smiling women by a South Asian dam who now have dependable irrigation for their rice fill the literature of economic aid agencies.

They point to successes in a quarter-century of rich countries' trying to help poor

ones. But the vague statistics of the less developed world indicate that more people today live in desperate poverty than ever before.

The Carter administration has been trying to figure out how to reshape the American aid program so that it more efficiently relieves the poverty of more people. So far the administration has come up with a number of new ideas and some changed aid priorities, but it has found that there are no simple answers, no easy formula.

There are three primary ways that the U.S. government can help what economists call less developed countries, or LDCs.

One is the traditional concept of aid as providing grants and concessional loans, backed up with training programs and advisers. Another is stabilizing the earnings of LDCs from such commodity exports as sugar, whose prices and therefore their incomes have fluctuated wildly in the recent past. The third is giving them more opportunities to sell the products of their new factories.

Most of the administration's new ideas have been about aid. The LDCs have been disappointed in the followup on its rhetoric about helping solve commodity problems. And they have found that U.S. domestic economic problems put trade liberalization for LDC products as far off as ever.

Thinking about traditional aid has changed a lot in the last decade.

In the 1950s the generally accepted concept was that what the LDCs needed most was the infrastructures of modern economics. That meant concentrating the available money and trained manpower on big hydroelectric power projects, improving railroads and building steel mills.

The peasants in their mud or thatch huts who tilled the soil with sharpened sticks in many countries got little more than a DDT spraying for malarial mosquitoes. The theory was that aid poured in at the top of national economies would trickle down to benefit them eventually.

Little of it did. By the late 1960s that had become obvious. The peasants were not expanding food production fast enough to stave off periodic starvation as population growth was scarcely checked, and their lives remained brutish and bleak, while many of those who had been driven off overcrowded farms to the new industrial centers lived in shanty misery.

About the time the inequity of economic growth became obvious, the American liberals who had always supported foreign aid began to get disillusioned. They found less and less of the money was going to encourage poor countries to replace malnourished stagnation with healthy progress. More and more was being devoted to supporting the U.S. military role in Indochina.

By 1970 foreign aid was just staggering along on continuing resolutions in Congress. There was no enthusiasm for the idea, no support for allocating more dollars to match the inflation rate that was eating into the value of aid.

Then the idea developed in Congress that "new directions" were needed that would focus aid on the poor in small-scale programs to reach them more directly than the dam-building phase of aid had done. Beginning in 1973, aid legislation mandated efforts to develop programs in agriculture, family planning, health, education and related areas.

The idea was simultaneously to encourage more equitable use of land, provide more jobs, and alleviate human misery by providing basic services and commodities to the poor.

A study that the Carter administration asked the Brookings Institution to make says the "new directions" have not worked out very well.

A failure of Congress and the executive branch to agree on details of the new approach has resulted in limiting aid to inefficiently small projects that focus too narrowly on economic problems, the study says. The Agency for International Development that administers the current \$1.3 billion annual program of grants and concessional loans has been too tied up in congressionally required paperwork and thus scared out of finding innovative new solutions for particular local development problems.

It is because of Congress, the study says, that "AID has a reputation for inefficiency, rigidity and slowness." Many observers also find the organization suffering from senility that makes it top-heavy with bureaucrats. It has two-thirds of its staff in Washington, most of the rest in foreign capitals, and few people actually working among those who are supposed to be getting help.

The developing attempt by Congress to rethink foreign aid and provide simpler, clearer legislation for it parallels the administration's new look at it. Close consultations have begun between congressional staffers and key administration officials who have been shaping the aid decisions presented to President Carter.

One of the first men to educate a former Georgia governor in foreign affairs in order to prepare him for a presidential campaign, Henry Owen of Brookings, has been working part time at the National Security Council to coordinate those officials. They outlined the decisions required on aid, commodity stabilization, and trade.

The first question about aid was how much.

Carter decided just before Christmas to ask Congress for what the administration considers a respectable increase for the fiscal year beginning next Oct. 1 over the current year's \$1.3 billion for grants and loans.

The overall aid package this year also includes \$1.5 billion for food, \$2.2 billion for "security supporting assistance" given for political and military reasons that often have little to do with economic development, and \$1.1 billion for multilateral aid through institutions such as the World Bank.

But there are officials inside the administration and people in the "aid lobby" of voluntary councils and church organizations who think a much more respectable effort than Carter decided on could be launched.

"The President just isn't prepared to spend any political capital fighting for aid," one senior official says. An outsider says the Office of Management and Budget is too concerned with keeping the overall budget down to allow much increase in aid spending.

A second question is how to distribute aid. This is a tough problem that has bothered a lot of officials.

Should the United States concentrate its aid on the poorest of the poor, countries such as Upper Volta or Rwanda or Burma whose average citizen survives on the equivalent of less than \$100 a year? Or should it help countries like India and Brazil that have large modern economies alongside wide areas of subsistence agriculture?

Should it aid countries run by dictators whose city prisons hold political prisoners but whose rural masses need help to escape malnutrition? Should aid be directed to those who support Washington at the United Nations and withheld from those who oppose American policies?

A former AID worker who is now the head of the State Department's policy planning staff, W. Anthony Lake, recently suggested some answers.

He said the United States faces "a dilemma when we consider foreign assistance for countries where political and economic human rights are denied . . . (Regimes) inevitably derive some political boost from our assist-

ance. But we do not want to deprive poor people because of the nature of their government.

"In such cases, our decisions must be made on a pragmatic, case-by-case basis and in very human terms," Lake said.

"Meeting basic human needs is not, in our view, a welfare program," he went on, "but a way for a country and a society to develop. Accordingly, we will encourage host governments to make an increasing commitment of their own to the needs of their poor. . . ."

Some of this thinking went into Carter's recent decisions about aid strategy.

The President has issued instructions to try to focus direct bilateral aid on poor countries and on poor people in other countries. He wants to use programs that foster local economic growth while emphasizing the social equity of spreading out the benefits derived from expanding production and improving health facilities.

A third question about aid is making the effort more efficient.

Part of the problem is finding people who can understand the very human complexities of working with illiterate peasants who are conservative because their margin of survival is too thin to permit failures in trying new agricultural techniques. The aid system often rewards the bureaucrat and ignores the dedicated field worker.

The Brookings study suggested several changes in the executive branch's aid structure. They included the appointment of an aid czar on the presidential staff who would coordinate agencies involved in different aspects of the work—AID and the State Department, Agriculture and Treasury, and many more.

Organizational changes are still being studied. Choices will be presented to Carter in the new year when the implications have been worked out more clearly.

Commodity stabilization schemes received a cool reception from the Ford administration. Like European industrial nations, it feared them as a way of establishing cartels that would drive up the prices of commodities imported from LDCs.

The Carter administration decided last spring to cooperate with efforts by a large group of LDCs to establish a common fund to stabilize their income from tea and timber, copper and coconuts, sugar and sisal and other basic products. But in recent discussions in Geneva, the administration argued that the fund must not raise prices and thus result in buyers' transferring resources to sellers.

The United States argued that such transfers would be indiscriminate, in many cases benefiting rich countries like Canada that are commodity exporters.

The administration was worried that higher prices for imported commodities would slow the U.S. economy. Rich countries contend that one of the best ways they can help poor nations is to become more prosperous and thus need to buy more commodities.

The U.S. stand had left the common fund in limbo. A number of unhappy countries that depend on commodity exports for most of their economic development funds will continue to find it difficult to plan ahead because of fluctuations. Prices of 34 commodities—excluding oil—went up 51 percent in 1974, down 35 percent in 1975, and back up 28 percent in 1976.

For those countries that have begun to develop, trade in manufactured goods has become important. Unless they can find markets for the things their expanding economies are beginning to make, they cannot pay their debts and buy the essentials for further expansion.

The Carter administration has paid little attention to the trade problems of LDCs. It

has been overwhelmed with the massive problems of trade with one of the most developed countries, Japan, and with oil-exporting countries.

There was a time some years ago when a slogan developed in the industrialized world that "trade, not aid" was the way to help poor countries. That has changed, and few economists think for the better.

Whatever the political difficulties of talking Congress out of more money for aid, it is even more difficult to get its members to support programs to raise commodity prices or lower trade barriers in ways that will affect particular groups of constituents back home.

[From the Washington Post, Jan. 4, 1978]

FOOD FOR PEACE—OR POLITICS?

(By Kal Bird)

Front-page headlines were recently made when it was disclosed that U.S. food-aid shipments have been held up by a State Department review of human rights. Three major beneficiaries of the Food for Peace commodities program—Bangladesh, Indonesia and South Korea—were placed on a "troublesome" list because of "serious" human-rights violations. These countries are still eligible for the long-term financing needed to buy U.S. grain surpluses under Public Law 480 Title 1 of the food-aid program—but they must first demonstrate that such food aid will indeed benefit the needy.

No other issue is likely to bring into such sharp focus some of the underlying contradictions between U.S. foreign policy in the Third World and the administration's humanitarian impulses. The attempt to apply human-rights standards to food aid is another instance in which Carter's human-rights diplomacy has unintentionally painted itself into a corner. The problem is that if the recipients of U.S. food aid were truthfully required to show that such food was actually targeted for the "needy," very few countries could qualify. The vast majority of U.S. food aid feeds the middle-class urban constituencies of countries like Egypt, Brazil, Bangladesh and Indonesia. In most countries food aid is simply budgetary support; the food is sold on a ration system to those most able to pay for it, and the receipts are used to pay the salaries of local government officials.

Bangladesh is a case in point. Though it is one of the most impoverished and hungry nations in the world, only 10 percent of U.S. food aid ever reaches its poor and destitute. Ninety per cent of the food-aid shipments are sold on a subsidized ration system designed, in the words of one State Department cable obtained through the Freedom of Information Act, to "keep potentially politically active Dacca dwellers supplied with low-priced foodgrains." Thirty per cent of the foodgrains distributed on the ration system is sold to civil servants, the police and the army—something necessary to the survival of Maj. Gen. Ziaur Rahman's military regime.

From the point of view of the State Department, U.S. food aid to countries like Bangladesh, Indonesia and South Korea is primarily political "stabilization" aid in support of moderate, non-Communist governments. From the point of view of the Department of Agriculture and the farm lobby in Congress, food aid is simply a system to dispose of U.S. grain surpluses.

In fact, at a time when the administration is under severe pressure to dispose of large grain surpluses and raise depressed farm incomes, the State Department never had any intention of cutting food aid on grounds of human rights. But gross and consistent violations of basic human rights are so well documented in Bangladesh, Indonesia and South Korea that the only remain-

ing rationale for continued assistance is that such food aid will be feeding the hungry and poor in these nations. Few in the bureaucracy and fewer still in Congress ever investigate whether individual U.S. AID projects are actually benefiting the poor. Most policymakers simply take it for granted that food aid in particular, by its very nature, does so.

The Dacca regime depends in large measure for its survival on the disguised political support of food aid. If the United States should now withdraw this support, we would be accused of political meddling. Yet the question must be asked: Why should the American taxpayer finance the political stability of a relatively nonstrategic authoritarian regime known for its consistent violation of human rights?

No doubt cutting food aid would result in short-term political chaos and hardship for the urban constituencies of the regimes. But in the long term, I would argue, there is a good chance that a more rural-oriented—and thereby a more representative—government would evolve from the necessity to rely on the indigenous grain production of its own small farmers. Self-reliance would force the native elites in such countries to allocate a majority of the nation's investment resources to the small farmer. Urban food consumption would no doubt drop. But foodgrain production and consumption among the peasantry, where the severe malnutrition actually exists, would have every chance of rising dramatically.

Congress has mandated that the bulk of U.S. foreign aid should directly benefit the poorest of the poor in the most needy nations. But policymakers appear unwilling to face up to the ultimate question: What kind of aid funneled through authoritarian regimes has a chance of ever reaching the needy? Two decades of experience demonstrate that food aid rarely reaches the poor—and is often a disincentive to local agricultural production. Under present circumstances, only when voluntary relief organizations—such as the Catholic Relief Service—control the distribution, does food aid have a chance of reaching the hungry.

S. 1464 ALCOHOL LABELING BILL

Mr. THURMOND. Mr. President, on May 5, 1977, I introduced a bill to require a health warning on the labels of bottles containing 24 percent alcohol by volume. Almost 6 years have passed since I originally introduced this bill, and during this time the facts have verified that alcoholism is an ever-increasing problem that is destroying more and more lives with each passing day. I am gratified that Senator HATHAWAY, chairman of the Subcommittee on Alcoholism and Drug Abuse, has scheduled a hearing on this important legislation for January 31.

In the fall of 1977, the Food and Drug Administration issued a recommendation that a specific warning label be placed on all alcoholic beverages with respect to the dangers of the fetal alcohol syndrome. The fetal alcohol syndrome can impair morphological and neurological fetal development, resulting in mental and physical retardation, facial malformations, and abnormal behavioral patterns, such as jitteriness.

The risk of fetal alcohol syndrome is not limited to those expectant mothers who are chronic alcoholics. One-time heavy drinking during critical periods of pregnancy produces a risk to the fetus.

The risk for consumption of smaller quantities of alcohol is still under study. Unfortunately, the public is not fully informed on either the risks or the results of the fetal alcohol syndrome. Fortunately, however, this syndrome is one totally preventable birth defect—totally preventable.

Barbara Luke, a clinical specialist in maternal nutrition at Sloane Hospital for Women at Columbia Presbyterian Medical Center in New York has done considerable casework and research in the area of the fetal alcohol syndrome. She has observed and counseled women in prenatal nutrition with special emphasis on the prevention of FAS. She has had the opportunity to observe the effects of alcohol in infants and on developing young children. The results are well documented and disturbing. Ms. Luke has agreed to participate in the hearing regarding S. 1464.

At this time, in order to share her findings with my colleagues, I ask unanimous consent that an article she wrote for the American Journal of Nursing on maternal alcoholism and fetal alcohol be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. THURMOND. Mr. President, approximately 10 million people in the United States are affected by alcohol, many are women and mothers, many are adults with alcoholic loved-ones, and many—far too many—are children who suffer with alcoholic parents or with their own physical and mental impairment as a result of the fetal alcohol syndrome.

Mr. President, the time has come to do something about this growing problem. I am not talking about morality, I am talking about documented medical evidence.

A health warning label like that I propose will be an effective method of informing the public of the physical dangers of alcohol. If this warning deters a potential alcoholic from taking his first drink, if it encourages an expectant mother to refrain or substantially moderate her drinking habits, or if it prevents a casual drinker who drives from having "one for the road," then this legislation will be effective and worthwhile.

EXHIBIT 1

MATERNAL ALCOHOLISM AND FETAL ALCOHOL (By Barbara Luke)

Patty is 18 months old, but her size and development are about those of an eight-month-old child. In utero, she had been small for gestational age, and she weighed only 2,300 grams at birth.

She was born with bilateral hip dislocations and limited motion of both elbows.

At two months, she was admitted to the hospital in congestive heart failure, secondary to an atrial septal defect. At 18 months, she was diagnosed as mentally retarded. Patty's mother is an alcoholic, and Patty has fetal alcohol syndrome.

About three years ago, alcoholism was clearly related to a "pattern of craniofacial, limb, and cardiovascular defects associated with prenatal onset growth deficiency and

developmental delay."¹ This was the first reported association of maternal alcoholism with birth defects in the offspring. It became known as the fetal alcohol syndrome.

Some correlation has been made of maternal alcoholism and defective offspring since the time of the early Greeks. What, then, are the reasons for the seemingly recent development or the increased incidence of this syndrome? I propose that there are three principal reasons.

The most obvious answer could be an improvement in antepartum care over the past decade. There is more emphasis on screening and treating high-risk mothers, and alcoholism is a risk. Because of more intensive antepartum care, many alcoholic women who otherwise would have aborted carry their infants to term.

Another reason is that over the past several decades, our food supply has improved greatly in quality, quantity, composition, and availability. In turn, this probably has reduced the nutritional deficiencies of alcoholics.² Foods are processed so that they remain edible longer, and more foods are fortified, especially with B vitamins and iron.

Fortification of breads and cereals with thiamine has reduced the incidence of Wernicke's syndrome (a mental condition often seen in old age, consisting of defective memory, loss of sense of location, and confabulation), alcoholic beriberi, and the polyneuropathy often previously seen in the alcoholic because of the constant and accelerated metabolism of this vitamin by alcohol. Fortification of cereal products with niacin has reduced the incidence of alcoholic pellagra, with its accompanying classic symptoms of peripheral neuropathy (sensory disturbance with burning paresthesia of the feet). Recently, government assistance to the low-income population through food stamps and Women, Infants, Children (WIC) programs, have provided more food to pregnant and lactating women.

The third factor contributing to the fetal alcohol syndrome is the increased incidence of alcoholism. HEW has warned that an alcoholic intake above three ounces of absolute alcohol or six drinks a day can lead to birth defects.³

The National Committee on Alcoholism has established criteria for the diagnosis of alcoholism, based on physiological, clinical (including major alcohol-associated illnesses), behavioral, psychological, and attitudinal manifestations.⁴

Alcoholism is one of the more difficult diseases to recognize for several reasons. Drinking produces a socially accepted, legal "high." Neither the nutritional value nor the hazards of alcohol are stressed to the consumer. Because alcohol interferes with protein synthesis and with the absorption of many nutrients, and thus causes deficiencies, heavy drinking during pregnancy can affect the mother adversely and damage the fetus irreversibly.

Alcoholism often is not screened for by health professionals. Many patients will state the type, amount, and frequency of their alcohol intake if questioned honestly and nonjudgmentally. Many alcoholics want to be helped, but need to have a door opened for them.⁵

During routine antepartum evaluation, a history of any, or a combination of any, of the following alcohol-associated illnesses should alert the health professional to maternal alcoholism:⁶

Fatty degeneration in the absence of other known causes.

Hepatitis.

Cirrhosis.

Pancreatitis in the absence of cholelithiasis.

Chronic gastritis.

Hematological disorders—*anemia*—hypochromic, normocytic, macrocytic, hemolytic

with stomatocytosis, low folic acid clotting disorders—prothrombin elevation or thrombocytopenia.

Wernicke-Korsakoff syndrome.

Cerebellar degeneration.

Cerebral degeneration in the absence of Alzheimer's disease or arteriosclerosis.

Toxic amblyopia.

Myopathy.

Cardiomyopathy.

Peripheral neuropathy/beriberi.

Pellagra.

Once the diagnosis of maternal alcoholism is suspected or a patient confides that she has drinking problems, a thorough nursing evaluation is important in planning care. A valuable nursing history tool to use with alcoholic patients can be found in a recent AJN article.⁷ The interview is divided into two sections: the first deals with the patient's drinking history and the second with symptoms related to the gastrointestinal system. Supportive services, such as social service, psychotherapy, and nutrition counseling, are often helpful during the antepartum and postpartum periods. A high degree of patient motivation is needed, which can be indicated by the regularity of antepartum clinic attendance.

Alcohol interferes with the absorption and the utilization of nutrients and with protein synthesis.

Heavy alcohol consumption is most likely to affect fetal structure during the first trimester, when organogenesis is taking place. Frequently, the alcoholic who does conceive will spontaneously abort, often during the first trimester. During the second trimester, when there is mainly an increase in cell size rather than in cell number, poor diet, heavy alcohol consumption, or both are most apt to affect infant weight. Because a woman who chronically drinks may be malnourished, even a decrease in alcohol intake just before conception may leave her with depleted vitamin and protein reserves.

Daily food habits, allergies, and dislikes, as well as dietary supplements, should be considered in evaluating the adequacy of the maternal diet. The recommended daily food allowances during normal pregnancy appear in the box on the next page.⁸

Because food prices vary so much across the country and from month to month, cost is difficult, if not impossible, to estimate. In general, a low-cost diet for gestation might include milk, eggs, cheese, grains and legumes, less expensive meats, and chicken. Higher-priced diets could include seafood, more fresh vegetables and fruits, more expensive meats. I recommend the same diet for both income groups (see sample menu).

Dietary supplements may be indicated, depending on the degree of alcoholism, secondary illnesses, presence of fetal growth retardation, maternal antepartum complications, such as anemia, weight loss, or poor gain, and the patient's customary diet intake.

If anemia is present, therapy depends on the specific type. Macrocytic anemia, common among chronic alcoholics, can be corrected by folic acid and concurrent vitamin C therapy. Green leafy vegetables, liver, and mushrooms are all plentiful sources of folic acid.

Anemia due to iron deficiency (hypochromic, microcytic) is common in pregnancy, but is aggravated by maternal alcoholism. Therapy for this anemia, as well as for fetal growth retardation, is a high-protein, high-iron diet. The best foods for this diet include animal proteins; elemental iron helps correct the anemia and meet the fetal demands for iron. Absorption of elemental iron and nonanimal sources of iron also is enhanced by vitamin C.

If an alcoholic mother has seizures, perhaps during withdrawal while she is hospitalized for the treatment of other compli-

cations, the daily administration of 100 mg. pyridoxine (vitamin B₆) may be beneficial. Delirium tremors have been associated with low serum magnesium levels and may respond to parenteral magnesium sulfate therapy.

Health professionals should suspect fetal alcohol syndrome when prenatal growth deficiency, low birth weight (2,500 grams or below), breech presentation, and poor Apgar scores occur in combination with an antepartum history of maternal alcoholism. A study of three infants of alcoholic mothers revealed these abnormal findings at birth and in early infancy:⁹ Craniofacies—microcephaly, short palpebral fissures, epicanthal folds, maxillary hypoplasia, cleft palate, and micrognathia; Limbs—joint anomalies, and altered palmar crease pattern; Performance: postnatal growth deficiency and developmental delay. Other defects included cardiac anomalies, anomalous external genitalia, capillary hemangiomas, and fine-motor dysfunction.

Fetal growth retardation, a discrepancy between the fetus's actual and expected size for its gestational age, can be detected as early as 16 weeks gestation. Serial ultrasonography, at two-week intervals (16, 18, 20 weeks, and so on) is the best way to monitor intrauterine growth. The ultrasonogram clearly indicates the biparietal diameter of the fetal head, and deviations from the norm after 16 weeks of gestation can be detected easily.

After birth, depending on the extent of fetal retardation and the time and amount of the mother's last alcohol intake, the infant is either drowsy or irritable. For example, when ethyl alcohol is given to suppress labor, the infant often arrives in the nursery in either state.

The signs of fetal alcohol syndrome can range from severe retardation with extensive brain stem involvement to such slight retardation that it is not detected at all until much later when developmental problems arise. If there is brain stem involvement, the sucking reflex may be poor, and tube feedings are given. If sucking and swallowing reflexes are affected, gastrostomy feeding may be done. No food intolerances have been demonstrated.

Even if the syndrome is not detected at birth, several factors may lead the nurse to suspect it when the mother returns for a check-up with her infant. These include apathy, eating problems, failure to thrive, poor development and growth in the infant, as well as maternal behavior and attitude toward the child and her seeking of health care for him.

If the nurse cares for a pregnant woman with a drinking problem, she encourages her to stop drinking or to reduce the amount. Explore with her the reasons for the heavy use of alcohol and refer her for counseling. Explain the infant care problems, such as difficulty in eating and sleeping, that she may expect after her baby is born. She may need assistance in the home, and referrals to the public health nurse and social service.

An infant with FAS may be kept in the hospital or even placed in a home temporarily if the mother is unable to cope with the newborn.

Success in working with these mothers depends largely on their reasons for becoming pregnant in the first place and their motivation for completing the pregnancy. If she truly wants the baby, almost every woman will do everything in her power—including breaking such habits as smoking and drinking—to ensure a healthy pregnancy and baby.

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³ Alarm sounded on alcohol, pregnancy. *ACOG Newsletter* 21:3, Aug. 1977.

⁴ National Council on Alcoholism, Criteria Committee. Criteria for the diagnosis of alcoholism. *Ann Intern Med.* 77:249-253, Aug. 1972.

⁵ Mueller, J.F. Treatment for the alcoholic: cursing or nursing? *Am J Nurs.* 74:245-247, Feb. 1974.

⁶ National Council on Alcoholism, Criteria Committee, *op.cit.*, p. 252.

⁷ Heinemann, Edith, and Estes, NADA. Assessing alcoholic patients. *Am J Nurs.* 76: 785-789, May 1976.

⁸ Luke B. Guide to better evaluation of antepartum nutrition. *JOGN Nurs.* 5:37-43, July-Aug. 1976.

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SAMPLE MENU FOR A PREGNANT WOMAN BREAKFAST

2 eggs
8 oz. milk (whole or fortified)
2 slices toast (whole wheat)
4 oz. juice

MIDMORNING

Ice cream
Fresh fruit

LUNCH

Tuna fish sandwich
Lettuce and tomato
8 oz. milk
Oatmeal cookies

MIDAFTERNOON

Crackers
Cheese
Fruit

DINNER

Hamburger
Baked potato (with margarine or butter)
Salad
8 oz. milk

BEFORE BED

Pound cake
Ice cream

RECOMMENDED DAILY FOODS DURING NORMAL PREGNANCY*

Food for 1st half of pregnancy and for 2nd half of pregnancy—

Milk, cheese, ice cream: 2-4 servings; 4 servings.

Meat, fish, beans, poultry: 3-4 ounces; 6-8 ounces.

Eggs: 1; 1-2.

Vegetables (dark green or deep yellow): 1 serving; 1 serving.

Citrus fruits or juices: 1-2 servings; 1-2 servings.

Other fruits and vegetables: 1 serving; 2 servings.

Breads and cereals (whole grain or enriched): 3 servings; 4-5 servings.

THE ILLEGITIMATE CHILD OF THE MENTAL HEALTH MOVEMENT

Mr. INOUE. Mr. President, the State of Hawaii has for a number of years now been most fortunate in being the home of a truly unique therapeutic community developed and run by individuals who have had problems with drug abuse during their lifetimes.

The Habilitat was founded in 1971 and has been directed ever since by Vincent Marino, a rather forceful individual, whose personal drive and enthusiasm

have undoubtedly been the keystone to the Habilitat's success.

Mr. Marino recently had the opportunity to address his colleagues at the Second World Conference of Therapeutic Communities in Montreal, Canada, and in his presentation shared with them his own views on the reasons behind the Habilitat's outstanding track record.

All of us in Hawaii are extremely proud of this innovative program and, accordingly, at this time I ask unanimous consent that Mr. Marino's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE ILLEGITIMATE CHILD OF THE MENTAL HEALTH MOVEMENT (By Vincent Marino)

If the Therapeutic Community can be considered "illegitimate," it is only because the marriage between the mental health movement and the conventional professions could not solve the needs of dope fiends. In essence, they were shooting blanks, not dealing with the problem. They didn't know what they were doing. Neither did the person who decided that the T.C.s should be placed under the auspices of Mental Health.

If the T.C. can be called illegitimate, what shall we call Mental Health, which has literally squandered billions of dollars working with dope fiends prior to the T.C. movement? The T.C. is nobody's illegitimate child. It is a legitimate response to a real need, created by ex-addicts who channeled their energies and intelligence to meet their problems by changing self-destructive and socially disruptive behavior. Since the degreed and credentialed experts couldn't help them change, they had to do it themselves, using unconventional methods and techniques. These worked.

The success of the T.C. has been universally acknowledged. I am living proof that what we do works. Even the experts praise our successes. Our greatest praise, though, isn't the accolades of the professionals but the knowledge that social misfits have been successfully rehabilitated and now lead useful lives. Our graduates are alive; they're functional. If left in the hands of the Mental Health professionals, many of them would now be dead or doing prison terms long enough to register as telephone numbers.

With all this success, the experts are worried. They want us under the professional mental health umbrella. We've stolen their thunder by accomplishing what they couldn't do. Now, they want us under their thumb. In my opinion, T.C.s must move out from under the domination of mental health because the professionals still don't know what they're doing.

Mental health professionals have begun to rule us by their conventions, their standards. It is ridiculous to be acclaimed a success and then told that as a reward, we are required to use the conventional tools which the professionals already admit won't work with our residents. Why force this on us? The techniques are stale. Our people are wise to the rhythms of the street; they've pulled long and short cons; they've managed to survive. They've proven that they're tough to deal with, but so are we. We've lived through the same experiences, know all the angles, and have created the T.C. to deal with the problems we've encountered and overcome.

Let us recognize that the professional mental health orientation isn't for us. To put it mildly, it stinks. The T.C. must be dealt with on its own terms. Therapeutic communities must be recognized as an alternative with validity, merit, and value. It has,

after all, accomplished what professionals with all their degrees and theories couldn't do—salvage lives.

Problems only arise when we are judged by conventional and professional criteria. Strictly applied to the T.C., the conventional values are a real scam. Some T.C.s have bought the whole thing, to the point of ridiculousness. Part of this fiasco I blame on my own peers, who have been duped into using all the psychoanalytical and sociological terms, such as differential opportunity structures, inadequate socialization, viable psychosocial communication systems, and the pathology of schismogenetic patterning. Some of my peers are actually running around town proud of the title "Paraprofessional." To me, these people should be labeled "Certified Idiots." It is one thing to be certified to be eligible for funding, it is perverse to be proud of such a title.

Let's stop using the professional conventions and words. They aren't ours. What are ex-dope fiends doing masquerading as pseudo-intellectuals, talking in psychoanalytic terms some of us can't even spell, much less pronounce correctly or understand?

The ex-dope fiend wants to parade around in a conservative three-piece suit and tie and refer to Thoreau, Emerson, and Sartre (many of us dope fiends have, incidentally, read and understood these authors), while the psychiatrists go the other way and wear groovy tie-dyed dungarees and talk hip to prove they're deep, real human beings. Ex-dope fiends are not psychiatrists and should not act that way—unless they, too, want to spend the time in classrooms earning their degrees. Neither can the professional ever be able to equal our cunning, our ability to manipulate, our instinct for survival, or our knowledge of what makes the dope fiend truly tick—unless he, too, lives our experiences.

In my business, I am a professional. I don't care who sees it otherwise. I know it must be difficult for professionals to accept the fact that people like me were running around doing what we wanted to do when we wanted to do it, where and how we wanted to do it, while they were busy in school, diligently studying for years. I would imagine that a great many professionals worked part of the time to earn their tuition and expenses. Then lo and behold a person like me, tired of being a bum, goes into a therapeutic community and learns, in a few years, what it took the professional 18-20 years of diligent study to assimilate. The point is that despite all their schooling, their credentials and degrees, they are not expert in my field. Lacking the titles and schooling, I am. I'm sure there is a certain amount of resentment, but it is a problem that the mental health professionals must resolve on their own and come to terms with. When people ask me why I am what I am, I tell them, "I failed as a bum, so I became a social leader."

At Habilitat, we don't have counselors. We are not paraprofessionals with modules and other mental health terms. All of our people working with people are called agents, because we serve as agents of change for our residents. As soon as my troops become accustomed to the word agent, I'll change that, too. I don't want them running around believing they're all Dr. Salks. We only act as catalysts so that individuals in our program can work to assume responsibility for themselves. Once professional values and conventions are forced into our organizations, it won't be long before we're running mental hospitals instead of therapeutic communities. We will have lost the vitality and sense of direction which made us effective in the first place. And, to be quite honest, we are not competent to run mental hospitals. However, unlike the professionals, we can at least admit our inadequacies and they are unable to do so.

*An alcoholic, pregnant woman will need additional protein and vitamin supplements because of her decreased reserves in these two areas.

What I think the dope fiend has done is created an entirely new dynamic which really has little to do with Mental Health. If any of you sitting in the audience really believes that my goal, as Executive Director of Habilitat is to get our troops well, you really belong in a therapeutic community, as a resident. Anyone living in this crazy, frenzied society, who thinks he is whole and well, is sick. The whole world is crazy. Basically, Habilitat is a survival school. We teach people to function in a crazy world, helping them grasp what little happiness exists and accept reality.

All of us, I'm sure, have our own little stories of the lunacy which prevails in our world. There are people who are literally languishing in penal institutions, senior citizens neglected and treated like dogs. There are Viet Nam veterans who, for strange reasons, are not afforded the same opportunities given to veterans of prior wars. In America, we face fantastically difficult problems with people. Yet, every once in a while, you hear some idiot saying: "Do you realize that 90,000 seals are clubbed to death?" Or, better yet, "Save a whale."

Where are our values? I am not saying that I'm not interested in the fate of seals or whales. I'm not saying that I am interested: I've never known either a whale or a seal. I am interested in humans first. Don't people realize that there are people who suffer deprivation? That thousands of people are overdosing every day in the United States?

The general topic of lunacy aside, I place the blame for misemphasis and misdirection squarely on Mental Health, which has been so threatened by what the therapeutic community has accomplished that they are constantly lobbying for laws which would prevent or constrain us from doing what we know how to do—salvage lives. The T.C. is probably in the same place hospitals used to be many years ago. There was a time when people were reluctant to send their families to hospitals, when hospitals were themselves channel houses where people went to die. Today, there are hospitals in every country, every state, every city, every county. The value of the hospital has been recognized. I look forward to that same recognition for the therapeutic community.

I firmly believe that the T.C. should break away from Mental Health and operate in the same manner military schools do, bringing in professional teachers for the academic coursework and leaving the discipline to the people who know how to teach discipline. That most certainly would not be the Mental Health professional.

I find it ludicrous to use the title "Illegitimate Child of the Mental Health Movement." The T. C. movement as a whole has brought break-throughs in treatment as well as stability to the field of treating the addictive and character disordered personality, which the mental health professions could not do. I would, instead, like to have entitled this panel "The Legitimate Child of the Illegitimate Mental Health Professions." We have, I believe, been legitimized by virtue of our effectiveness and successes.

There are many institutions in the United States run by Mental Health professionals which should be closed for incompetence, sheer waste of taxpayer's money, and because these institutions are unsuccessful in treating their residents. I really question why they are allowed to stay open. Why T.C.'s harassed over licensure, credentialing, and certification when incompetently run public institutions exist? Let's briefly review the Mental Health break-throughs. First, the professionals tranquilized their treatment populations so that no one would hurt himself. Then came electro-shock therapy. Failing that, they came up with insulin shock treatments. The real biggy was, of course, the frontal lobotomy, where people were reduced to vegetable states. I've always wondered why

they didn't do a back lobe lobotomy or a rectal one.

Now, some of these same "professionals" object to our cruelty when we shave heads, place someone in the dishpan, and hold "brutal" encounter sessions. And yet, our methods—although unconventional—are neither as cruel nor as permanently damaging as those adopted in the past by the mental health professionals. And they work with our residents.

I have problems neither with my role nor with my identity. I'm an ex-addict who has risen through the ranks. I founded Habilitat in Hawaii and now serve as its Executive Director. If someone in the United States wants to recognize what I have accomplished by giving me a doctoral degree, in all probability, I would accept it. I won't gain or lose sleep over that piece of paper. It can't make me more effective than I am now. I would accept that parchment only because the standards the mental health professionals are rapidly imposing upon us require such credentialing for me to do my job. It cannot magically endow me with attributes I don't already possess. It can't buy dignity or self-respect. Dignity, self-respect and effectiveness must be earned.

The T.C. has paid its dues. It has proven itself successful and effective. It must be considered an autonomous and legitimate form in its own right—even if it is placed within the mental health spectrum. The Catholic Church does not tell Lutherans or Seventh Day Adventists how to conduct their religious business. What the Pope dictates in his Encyclicals means nothing to the Buddhist meditating in the Temple of the Golden Pavilion. They all represent different religions, separate and equally valid for those who believe in them. The T.C. should be judged the same way—separate from the professional conventions, answerable to its own. In my opinion, the T.C.s require a professional association comparable to the AMA or the American Psychiatric Congress. We have the beginnings of a professional body in the Therapeutic Communities of America. We must begin to establish our own standards, as has been done by the other professions.

In closing, I would like to say that I believe the T.C. to be the best thing under the mental health umbrella. If the professionals want to label the T.C. as illegitimate, let's take a hard and uncompromising look at the entire mental health spectrum and see what the professionals have accomplished. Above all, let's be honest in what our examination reveals. Let's see what the success rates are, where their effectiveness lies.

I'm not saying that there should be no accountability for the T.C. I firmly believe in that concept. Accountability should be equally applied, to the T.C. and to all other areas in the mental health field. Such accountability must consider the therapeutic community as a unique institution. I propose that every T.C. be required to publish a statement of objectives for each year, with accountability measured by success in meeting the published goals. I also believe that each T.C. should have an outside, independent audit conducted to establish fiscal responsibility, including accountability for funds and appropriate expenditures.

In the T.C. we deal with people, not titles. We rely on direct, immediate experience with our residents. Residents learn to value survival, sensitivity, empathy, generosity, and compassion—among other useful characteristics. Whenever I get caught up in titles, conventions, and psychotherapeutic terms, I stand in danger of losing those human values that saved my life and which serve as the foundations of my profession. Credentialed or not, the T.C. worker has a role, has an identity. And we live it.

SOME QUESTIONS AND ANSWERS ON THE NEED FOR WATERWAY USER CHARGES

Mr. DOMENICI. Mr. President, the issue surrounding waterway user charges and locks and dam 26 may be raised once again in the Senate within the next week or two.

This issue, unfortunately, has been the subject of a good deal of misinformation and misinterpretation. In an effort to clarify the issue and the need for my amendment No. 1460 to H.R. 8309, I have prepared a paper addressing a number of issues and points. I ask unanimous consent that this paper be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

QUESTION ON WATERWAY USER CHARGES AND LOCKS AND DAM 26; H.R. 8309 AND DOMENICI AMENDMENT No. 1460

1. How is the inland waterway system presently financed?

The taxpayers, through the Corps of Engineers, pay the full costs—close to half a billion a year—for barge canal maintenance and improvements. Some \$7.5 billion in new navigation projects are under construction or are authorized and awaiting construction. In addition, there are heavy waterway expenditures by the Coast Guard, as well as Maritime Administration equipment guarantees. The barge companies pay nothing in return.

2. Why are user fees necessary?

User fees would help to create better balance among modes and establish a rational national transportation policy. User fees would, for the first time, provide a discipline among the big barge companies for a more cost-effective waterway program. If the barge companies must pay a percentage of the costs, they will work with the taxpayers to obtain the best investment, not the most grandiose. The GAO in December issued a report, "Opportunities for Large Savings by Altering Some Inland Waterway Operations." These savings can't be expected until the users have a direct stake in efficiency.

3. Hasn't the Senate already decided this issue?

Yes. The Senate voted to adopt a user charge provision last June 22. The Domenici amendment is virtually identical to that provision. The Senate must now reconsider the issue because the House has refused to honor the Senate's request for a conference on the June legislation.

4. How do free waterways distort transportation?

By making barge travel relatively cheaper to shippers than competing modes that pay their own way, free waterways damage those competitors, forcing the Government eventually to subsidize both modes. By increasing the attractiveness of barge traffic, present policy also raises demand for new canal projects, and thus new taxpayer spending benefiting a few barge companies.

5. How do the Federal subsidies to the barge companies compare with those provided to other modes?

According to the Congressional Budget Office, the annual subsidy to the barge companies exceeds 40 per cent of the industry's annual revenues; the Federal subsidy to other freight modes is 3 per cent of revenues or less. The Library of Congress says the barge industry has received more net subsidy than all other modes combined.

6. What are the benefits of Locks and Dam 26?

Construction of a new Locks and Dam 26

will give the barge companies \$53,411,000 per year in estimated cost savings. Such benefits, repeated over and over at other new projects, should, in part, be recovered by the taxpayers through user fees.

7. Who owns the barge lines?

Most are subsidiaries of major corporations such as Exxon, U.S. Steel, Ashland Oil, Cargill, Peabody Coal, Mobil, Texas Gas Transmission, Dravo, Continental Grain, etc.

8. Haven't the railroads received billions in offsetting subsidies?

No. Since 1967, the railroads, outside of bankrupt Northeast roads that are now Conrail, have received \$138,000,000, all of it in loans or repayable stock investment.

9. What does the Domenici user charge amendment do?

Over an 11-year period, it phases-in a system of user charges on barge companies that would eventually (in 1990) recover all of the annual maintenance costs, plus half of the new construction cost. This would place the barge companies in 1990 under repayment rules that still provides greater subsidies to the barge companies than now received by many farmers using irrigation water, buyers of Federal hydropower, or users of other modes of transportation.

10. How does the Domenici amendment protect against exorbitant fees?

It contains four protections: No user fee can ever exceed 1 percent of the value of the commodity being shipped; user fees must be set in order not to disrupt commerce on any waterway; Congress can veto the entire package of fees by concurrent resolution prior to its imposition; there will be yearly studies on the impact of user charges to provide the Congress with the information it needs for a mid-course correction in the 1980s, if that proves necessary and wise.

11. How does the House bill (H.R. 8309) work?

It would impose a small fuel tax, unrelated to waterway expenditures. The House bill only imposes this charge on 40 percent of the nation's system of inland waterways, leaving 60 percent of the inland waterway mileage free of user charges. The House bill requires a technical amendment even to attain that minimum fee level.

12. Won't user charges force business off the waterways?

No. According to a DOT study, waterway business will grow by more than 40 percent over the next decade, even with the most severe assumptions of the full Senate-passed version. Annual barge growth is now several times greater than the growth in rail traffic.

13. Don't waterway user charges need more study?

No. Just in the past seven years, there have been 14 significant studies and evaluations of the impact of waterway user charges.

14. Won't farmers be hurt?

Farmers will be hurt far more by the unchecked deterioration of the railroads, now occurring in the Midwest, due, in large part, to major Federal subsidies to the barge industry. Far more grain moves from the grain states to market by rail than by barge. Farmers in Kansas, the Dakotas, and many other states are totally dependent on rail traffic. If a subsidy to farmers is needed, it should be given all farmers not just those who happen to ship by barge.

15. What is the position of the Carter Administration?

The Administration has described the House bill as "inadequate" and said the President won't "sign any bill authorizing a new Locks and Dam 26 which does not provide for waterway user charges that will recover a substantial portion of the operation and maintenance and new construction costs." The President reemphasized this position in his State of the Union message and in the Budget, which notes:

"The Administration strongly supports enactment of waterway user charge legislation that will establish charges to users of the inland waterways in amounts to recover a substantial portion of the Government's costs of building and maintaining the system."

To obtain legislation acceptable to the Administration, to build Locks and Dam 26, and to move the inland navigation program away from lengthy squabbles over new projects, the Senate should pass the Domenici amendment, then work out a reasonable compromise in conference with the House.

THE PANAMA CANAL TREATIES: A TOP PRIORITY

Mr. CRANSTON. Mr. President, a few days ago the President outlined for us what the goals and objectives of his administration would be in the forthcoming year. I think that it is important to note that the President counted among his top priorities the passage of the Panama Canal treaties. As President Carter stated:

The world is watching to see how we act on one of our most important items of business: approval of the Panama Canal treaties.

The treaties now before the Senate are the result of the work of four administrations—two Democratic and two Republican.

They guarantee that the canal will be open always for unrestricted use by the ships of the world.

Our ships have the right to go to the head of the line for priority of passage in times of need or emergency.

We retain the right to defend the canal with our own military forces if necessary to guarantee its openness and neutrality.

The treaties are to the clear advantage of ourselves, the Panamanians, and the other users of the canal.

Ratifying the Panama Canal treaties will demonstrate our good faith to the world, discourage the spread of hostile ideologies in this hemisphere, and directly contribute to the economic well-being and security of the United States.

Shortly, the full Senate will begin consideration of the treaties. I look forward to the debate on these agreements as an opportunity for us to explore all of the treaties' facets to insure that they are in our Nation's best interest.

MX MOBILE MISSILE SYSTEM

Mr. HATCH. Mr. President, I want to go on record expressing my concern over the recent decision by President Carter to cut the funding for the MX mobile missile system. The United States is fast falling behind the Soviet Union; and in doing so, we endanger the security of the American people. The Soviets have developed and deployed their own version of a mobile system, the SS-20. At the present time this system is considered to be a theater level missile with a range of only 3,000 miles. This would allow the Russians to target it in Europe, China, and the Middle East. This will also keep the SS-20 from being considered in the ongoing SALT negotiations in Geneva. However, defense experts in this country are worried that the Soviets will be able to extend the range of the SS-20 simply by adding a booster stage to the present two stages. That would give the missile a range of 5,500 nautical miles; a range

that would allow them to target the SS-20 in the United States.

The current administration, under the direction of President Carter, has called for a complete ban on the development and deployment of mobile missile systems. For this and budgetary reasons the President has decided not to continue the funding of the development of the MX. The \$245 million that was to continue the development has been eliminated and this will help Carter keep a campaign pledge to reduce the defense budget. To achieve this goal he is affecting the security of this Nation.

It has become apparent in the last year that the Soviets have developed the capability to strike the United States with a devastating blow. This capability, known as first strike, threatens the land-based ICBM portion of our defense Triad. Assuming that the Soviets continue to improve the accuracy of their missiles, they will soon reach a point where they will be able to eliminate our Minuteman force. Some opponents of the MX have argued that the development of such a missile will have a destabilizing effect upon relations between the Soviet Union and the United States. I think they are failing to see the issue in the proper context. Because the Soviets have developed that first strike capability, the MX would be able to avoid a first strike, thereby giving the United States a retaliatory system that has the capability of causing the type of damage needed to make the Soviets think twice about initiating such an attack. This would have a stabilizing effect on the relations between the two super powers. It will also buy us the time we need to catch up to the Soviets in many other areas where we have allowed ourselves to slip behind.

This is the second major weapons system that the President has either canceled or eliminated without any concession on the part of the Soviets. Just as we have allowed them to keep the Backfire bomber, the Soviet answer to the B-1, by promising not to deploy it in a strategic manner, we will allow them to keep their version of a mobile system since they have assured us that it is not a strategic system.

The United States has another weapons system in the development stage that I hope will not be axed, either by negotiations with the Soviets or the budgetary ax that Carter has wielded so far. The Trident II submarine-based missile is now being developed and will be capable of a 6,000 nautical mile range. Not only would this complicate the Soviet anti-submarine warfare program, but it would be the first U.S. submarine-launched missile that would have silo busting power. Such a weapon, along with the MX, would remove the temptation for the Soviets to use part of their missiles in a crisis to launch a first strike in an effort to knock out our land-based ICBMs. I think that it is important for the United States to retain a strong strategic force to deter the Soviets from even considering the thought of initiating a strategic conflict. I urge the President to reconsider his decision on the MX and to continue the funding for this essential program.

HOW NAVY HOPES TO SAIL INTO THE 21ST CENTURY

Mr. HARRY F. BYRD, JR. Mr. President, our Navy is facing serious challenges and the decisions made in the next several years will significantly affect the future of our Navy.

A ship which is authorized by the Congress this year will not even hit the water until the 1980's and will be in the active fleet well into the 21st century.

At the same time, new and expensive technologies are driving up the cost of Naval programs and placing increasing constraints on the numbers of ships and other equipment that can be purchased with available defense dollars.

These facts present a tremendous challenge and a tremendous burden to our decisionmakers.

One such decisionmaker is W. Graham Claytor, Jr., our Secretary of the Navy—an excellent and able individual.

In an interview with the magazine *Government Executive*, Secretary Claytor discussed these and other important issues.

So that my colleagues may have the benefit of Secretary Claytor's views I ask unanimous consent that the text of that article be printed in the *RECORD*.

There being no objection, the article was ordered to be printed in the *RECORD*, as follows:

[From the *Government Executive* magazine, December 1977]

HOW NAVY HOPES TO SAIL INTO THE 21ST CENTURY

(By C. W. Borklund)

When W. (for William) Graham Claytor, Jr., was named Secretary of the Navy last February, cheers, figuratively, went up in the Navy Department. The reason was not, particularly, his engineering training. (A Roanoke, Va., native, he took math and pre-engineering courses, mostly, to get his Bachelor of Arts degree from the University of Virginia in 1933; moved from there to Harvard Law School because, in the depths of a depression at the time, pursuit of an engineering career didn't look like a very good idea.)

Nor was it his legal training. (Graduated from Harvard in 1936, he worked initially as law clerk to brilliant U.S. Appellate Court Judge Learned Hand and Supreme Court Justice Louis Brandeis, was later partner in the Washington, D.C., law firm of Covington and Burling from 1938 to 1967. One of the many things he absorbed from Hand and Brandeis: "I learned what kind of arguments to make and what kind not to make in a court brief . . . You learn to get rid of all the secondary points and concentrate on the essentials.")

Nor was it his success as a businessman, first as Vice President—Law, in 1963, and then President, in 1967, and Board Chairman in 1976 of Southern Railway System, one of the very few profitably successful railroad systems in the U.S., even though the Navy Secretary's role, essentially is to run the "business end" of the Department (as compared to the strategy and tactics side which is run by the Chief of Naval Operations and the Commandant of the Marine Corps.)

COMBAT EXPERIENCE

What inspired the cheers, said one now-retired Vice Admiral, is "This is a Secretary who understands the Navy." Reason for that: Claytor is the only Navy Secretary in that job's long history who was an officer in command of combat ships in war. (Commis-

sioned by the Navy in September, 1940, he was called to active duty in January, 1941; commanded a submarine chaser in 1942-43, two different destroyer escorts from 1943-45 and married another war-time Lieutenant Commander, the former Frances Hammond, in 1948.)

In short, going in, "He understands the relationship between Active-duty and Reserve (which Claytor was) personnel; he knows ships and combat readiness and operations; he knows the relationship between uniformed personnel and Navy civilians—in other words, he's already one of us and he doesn't even know where his office is, yet."

For all that enthusiasm, coping with the Navy's problems is hardly a picnic. As he, himself, pointed out recently, "For one thing, the size of the 1978 Navy budget is almost \$40 billion (Southern Railway's revenues in 1975 were \$839.6 million, second highest in the company's 82-year, at that time, history.) And whereas Southern has less than 21,000 employees, the Navy Dept. has some 700,000 people in uniform and 300,000 civilians."

Another big difference between his job today and the one at Southern: "I never thought much about the year 2000 and beyond before. In fact, in the railroad business as in most commercial industry, the planning doesn't go much beyond five years, and I always thought that anything much past three years in the future was sheer guesswork."

Yet, he has found, looking even past the turn of the century today is, for the Navy and "the future of our entire defense posture" a "frightfully important" demand. "Although the Navy has a tremendously talented collection of technical personnel and many highly capable men and women in the operating forces, we have not yet learned to be clairvoyant. No one today can predict with confidence what the naval environment will be 20 years from now."

Thus, a principle that is running through all his decision-making to date is: "We have to design our oncoming generation of ships, aircraft, and submarines to have the maximum flexibility possible."

MISSION BASED

That translates, in terms of procedures for instance, to: "Fundamentally, I believe in A-109 (the Office of Management and Budget circular that outlines proper ways to go about new systems acquisition) as the best way to approach these problems; the fastest and most effective way to bring U.S. industry resources to bear on these (Navy, at least) types of problems."

Of course, he adds, "You have to tailor it to each specific problem, and for some it won't work at all," but overall he clearly intends to see that the organization follows its guidelines in developing systems which, begun today, will still be in operation 30 years or more from now.

And, he noted in an interview, "We have dozens of new ideas in all types of areas. If I tried to list them all here and now, I'd probably leave some of the most important ones out." But among the ones he did mention:

V/STOL AIRCRAFT

And in V/STOL (Vertical and Short-runway Takeoff and Landing) systems, "Don't forget the 'S' in V/STOL. The Russians have only the 'V' and that's an important difference." Already, he points out, technologically, the aircraft can lift straight up and land straight down. The trouble is that, in the air, it doesn't have the necessary range or combat capability.

"Some doubt we will ever have it," says Claytor, "but most think we can develop it."

In fact the Marines have successfully operated the British built AV8-A Harrier, a

VTOL in its own right and expect to have the more advanced AV8-B version operational in the early 1980's.

The advanced V/STOL "hopefully will become the backbone of the fleet air wing of the future. Through the use of V/STOL aircraft, we could equip a much greater range of Navy vessels—down to even frigates and transports—with their own combat air detachment."

In any case, "We are going to put a great deal of effort into finding those answers. The advantages of sea-based air power are so great, not just of the airplane but potential effectiveness of the entire combat system."

SURFACE EFFECTS SHIPS (SES)

Similarly, "We are building an SES to answer the question, 'What is its potential?' Can we maintain those kinds of speeds (60-80 knots) in all kinds of weather? Some have doubts. But the only way to find out is to build one and try it."

Navy's SES "game plan" is to prove the seaworthiness of an SES with enough size and weight to carry all types of combat systems; then configure and reconfigure that "hull" for all types of tactical missions from antisubmarine warfare to convoy escort to see if performance lives up to theoretical potential and where.

He also can cite new ideas being pursued in cruise missiles—"a truly all-purpose Navy tactical weapon that could be launched from submarines, surface ships and aircraft"—a "new air cushion landing craft that could revolutionize the Navy-Marine Corps amphibious assault capability"—new ships, including aircraft carriers—new electronic countermeasures and other fleet defense systems.

Again, in ships, the thread that runs through his thinking is "flexibility." "We would like to have a 600-ship fleet," he says, "and we hope we're going to get it. But one \$2 billion (super) carrier soaks up a lot of money that could be spent on other ships." (Current ship fleet numbers 460, including 288 warships, 69 other combatants, and 103 auxiliaries plus another 59 ships in the Naval Reserve.)

If "we could get a large number of 90,000-ton, Nimitz-class carriers, obviously we would rather have them—because they can do almost anything the smaller carriers can do and in most cases do it better. But one thing no 90,000-ton carrier can do is be in two places at once."

And if the choice is between a very few, very large, capable ships or a great many smaller ships that can be very capable when brought together but can also be operated independently, I feel that the requirements of flexibility call for us to move in that (latter) direction."

But, he quickly adds, before people launch into a small vs. large debate, "We must always remember the Nimitz-class carriers, themselves, will be in service for 15 or 20 years after the turn of the century with service-life programs that can extend even that. So we are going to have both big carriers and small carriers for as far ahead as we can see."

"The question is, in what direction should we move with our shipbuilding program now; and that's going to be a question we will be dealing with over the next several years."

ADEQUATE FUNDING?

The bottom line in all this, really, is "available resources." Just as with all the other Services, Navy has a major cost-cutting, economizing program going that is touching virtually every facet of Navy procurement and operations and maintenance. "The object of the drive," says Claytor, "is to get the most for the least."

But economies within a fixed budget simply can't solve the whole problem. As House Armed Services Research and Development

Subcommittee chairman Richard Ichord (D-Mo.) summed up recently (See Government Executive, September, p. 44):

"From a force dedicated to coastal defense, the Soviet navy has evolved into a major maritime power—while our shipbuilding program has languished from indecision on a definitive ship-building program and contractual problems . . . These newer, more capable (Soviet) ships generally are more heavily armed than their older U.S. counterparts. Soviet command and control, at sea, has been thoroughly exercised with demonstrated effectiveness. U.S. command and control is grossly inadequate; communications with our submarine force vulnerable.

"Antiquated systems and inadequate funding for ship overhaul, repair parts, and training further degrade our readiness posture. Only in the area of Navy air power do we appear to have the lead. At best (we have) a draw, with all trends favoring the Soviet Union."

SOME NUMBERS

Since 1968, Navy active-duty personnel size has dropped from 588,000 persons to 535,000; reserves from 124,000 to 92,000; Marine Corps active and reserve forces from 354,000 to 225,000. The Navy civilian cadre is down from 429,000 to 317,500. Warships in the active fleet are down from 484 to 303; total aircraft down from 9,326 to 7,009 in 1978.

Yet, in the same 10-year time frame, because of inflation and other continually rising costs, the personnel and operations and maintenance costs (devoted today to a smaller number of assets) have more than doubled.

"I think we have a good, balanced program," claims Claytor, of tending to both current fleet readiness and also investing in research and development for the future. But, he adds, for all of that and all the cost-cutting drives, the fact remains, even though the idea in all this is "to get the most for the least," without "the resources—the money—we won't have any 'least' to begin with."

THE EXECUTIVE ORDER GOVERNING INTELLIGENCE ACTIVITIES

Mr. MATHIAS. Mr. President, the Executive order governing the intelligence activities of the United States, signed today by President Carter, results from a unique joint effort of the legislative and executive branches. It represents a year's work by President Carter, Vice President Mondale, NSC Cabinet members, the Senate Select Committee on Intelligence and their staffs. The Executive order is based on the experience of the Church committee which initially examined the abuses of the intelligence community and the reasons for those abuses. It also derives from the Ford Executive Order 11905 and from the study of the performance of the intelligence community done over the past year by the Rockefeller Commission, the Carter administration, and the Select Committee on Intelligence.

The Executive order is an important interim measure leading to statutes which will govern all the intelligence activities of the United States. I have long held the view that a statutory charter is needed and welcome President Carter's support in this matter. Intelligence activities are too important to the security of the United States, and the necessity to conduct these activities largely in secret makes them potentially too dangerous to our democratic society

to permit anything but the most careful joint effort to formulate statutes.

In the drafting of this Executive order, members of the Intelligence Committee have been regularly consulted. Many of us believe that further strengthening of provisions to protect the rights of Americans will be required. During the process of hearings and joint consultation the committee and the executive branch will work through the draft bills to be introduced next week to reach as close a consensus as possible. The bill will then be brought to the floor for action. This process will permit further exploration of both the reasons for particular intelligence efforts and the degree of flexibility necessary and appropriate to intelligence activities. The most difficult problem facing the committee and the executive will be to provide adequate flexibility for intelligence activities in a legal framework that strengthens the protections to Americans guaranteed in the Constitution.

The draft charters which Senator HUDDLESTON and I and other members of the committee have worked on during the past year and which we will introduce next week, provide what is in effect an agenda for action during the coming year.

I believe that this joint effort—so fully supported by both the President and the leadership in the Senate and House over the past year—will produce sound law, consistent with the Constitution, to govern intelligence activities, which will command overwhelming support of the American people.

SENATOR HUBERT H. HUMPHREY

Mr. PELL. Mr. President, the death of HUBERT H. HUMPHREY has left me, as it has left the entire Senate and indeed our Nation, with a deep sense of personal loss. For me, I have lost a friend whom I admired and for whom I had huge affection and regard. His warmth and his infectious good spirits and decency will be missed by us all.

HUBERT HUMPHREY applied his own unique style of effective, vigorous and buoyant leadership for decades at every level of American government—in his beloved home State of Minnesota, here in the Senate, in the executive branch as Vice President of the United States, and in the Democratic Party as its spokesman and candidate for the Presidency of the United States.

His accomplishments and his contributions to our Nation through public service touched nearly every facet of American life. And to each issue, and each concern he brought the same intense interest, the same enthusiasm, and the same extraordinary ability to make things happen.

It is testimony to the broad range of his interests, that there is, I believe, not a Member of the Senate who did not have the experience of working with HUBERT HUMPHREY on some issue, on some legislation.

In my own case, I shared with HUBERT HUMPHREY an interest in improving our national oceans program and in giving

greater emphasis to the possibilities of meeting more of the world's food needs from the oceans. As Vice President, HUBERT HUMPHREY served, ex officio, as Chairman of the Council of Marine Sciences and Engineering. While other Vice Presidents have treated such ex officio responsibilities lightly, HUBERT HUMPHREY plunged in and became an effective and articulate spokesman for an improved and expanded national oceans program.

Later, it was my pleasure to serve with HUBERT HUMPHREY on the Foreign Relations Committee, and there again, he immersed himself in the work of the committee with the vigor, the enthusiasm and with the great intelligence that he brought to everything he undertook.

HUBERT HUMPHREY was a great statesman, and gifted politician, but above all he was a humanitarian. He never forgot that the great issues with which he dealt were not mere abstractions, but the expression of problems that affected everyday people in their everyday lives. And that, ultimately, was the root of HUBERT HUMPHREY's greatness—he cared about people, he cared about them passionately, as individuals.

That passionate concern was the light that shined through every moment of HUBERT HUMPHREY's life. And it is that light that I will miss now that HUBERT HUMPHREY is gone.

My wife and I join in extending our deepest sympathy to his lovely and beloved wife, Muriel, and to their children and grandchildren.

UNSAFE BRIDGES

Mr. CULVER. Mr. President, unsafe bridges are an increasing threat to the American public, but fortunately I believe this problem is finally beginning to receive the urgent attention it deserves.

Congress must provide greater funding for replacing and repairing our structurally deficient and functionally obsolete bridges. Currently only \$180 million is earmarked for bridge reconstruction, and at this level of funding it would take over 70 years to replace the 39,900 unsafe bridges nationwide. Clearly the financial resources earmarked for bridge reconstruction are inadequate and cannot meet the growing demands. To help remedy this shortcoming, I have introduced the "Bridge rehabilitation and Replacement Act of 1977" to increase the authorization of the Special Bridge Replacement program from \$180 million to \$600 million annually. This bill also requires that not less than 15 percent of such funds allocated to each State should be used for work on defective bridges off the Federal system.

In May, I chaired a Senate Transportation Subcommittee hearing on this legislation in Ankeny, Iowa, and testimony by county engineers and farm groups alarmingly documented the critical safety problems caused by the growing numbers of defective and obsolete bridge spans. In Iowa alone, over 1,800 bridges on the Federal highways have been classified as in need of repair; this figure places Iowa fifth among the 50 States in

terms of unsafe bridges. Just as significant, another 10,500 bridges on local, off-system roads in my State are posted for less than the legal load limits.

A January 11, 1978 editorial from the Cedar Rapids Gazette recently discussed the need to undertake a vigorous national effort to provide the necessary funding to repair and replace the faulty bridges which threaten our safety and disrupt our economy. As the editorial concluded:

The bridge replacement program is going to be a costly one in dollars. But it will be more costly in lives if those dollars are not used to replace or reconstruct bridges before they reach the danger point of collapse.

Additionally, an article from the January 9, 1978 issue of the U.S. News & World Report lends further support for greater funding for bridge rehabilitation and replacement. According to this article, 1 out of every 5 of the 536,000 highway bridges in the Nation is deficient and dangerous to use.

Mr. President, I believe these articles accurately highlight the growing bridge crisis both in Iowa and the Nation, and I ask unanimous consent to have them printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

BRIDGE PROJECT COSTLY

[From the U.S. News & World Report]

Of the nation's 536,000 bridges, 30,000 are in Iowa and a majority of them have passed or are approaching the end of their 40-50 year life spans.

Iowa has had a bridge replacement program since 1959. It really didn't get into high gear, however until 1972 after the Federal Highway Administration got into the act. The FHA was motivated by the Silver Bridge disaster on the Ohio River in West Virginia, where 46 persons lost their lives when the span collapsed at the height of rush-hour and Christmas-shopping traffic on Dec. 15, 1967.

The FHA's Office of Research has come up with survey figures showing that only 8 to 12 traffic deaths a year on the average are attributable to bridge collapses. But the problem is that more and more bridges are reaching the stage where they no longer can stand up to modern usage.

In 1970 Congress approved the Federal-Aid Highway Act which created a Special Bridge Replacement Program under the FHA's jurisdiction. Its purpose: To inspect and monitor bridges and to make certain funds are available where most needed.

In its first study the program listed 88,900 bridges as "critically deficient" and placed a \$14.8 billion price tag on their replacement cost. Two thirds of these bridges are in 10 states, including Iowa, Wisconsin, Nebraska, Michigan, Ohio and Missouri in the Midwest. A later study found the number of bridges in need of prompt replacement had risen to 105,000—almost one in five—and the estimated replacement cost had risen to \$23 billion.

Yet in its report of last May, the program showed that among the nearly 40,000 bridges qualifying for federal money, only 1,428 were being reconstructed or replaced, and only 245 of those had been opened to traffic.

Of Iowa's 30,000 bridges, 4,200 are in the primary system and 60 of those are "structurally deficient"—too weak to carry legal loads—according to the Iowa Department of Transportation.

They are getting the most attention at present, along with 257 other primary bridges programmed for reconstruction or replacement through 1983 at an estimated cost of

\$114 million. But an estimated 11,000 of the remaining 25,800 bridges on Iowa's county and city road systems are structurally deficient and in need of prompt attention.

Congress has provided \$180 million for the Special Bridge Replacement Program to allocate on a need basis. Now pending too are bills that would increase this to as much as \$2 billion.

From every viewpoint the bridge replacement program is going to be a costly one in dollars. But it will be more costly in lives if those dollars are not used to replace or reconstruct bridges before they reach the danger point of collapse.

WEAK BRIDGES: GROWING HAZARD ON THE HIGHWAYS

[From the Cedar Rapids (Iowa) Gazette]

At a time when cold weather is posing added problems, a survey of this country's highway bridges shows thousands so badly neglected that they comprise "a disaster just waiting to happen."

So reports a group of Federal Highway Administration engineers who have uncovered dangerous bridges in every part of the country.

Says W. J. Wilkes, director of FHA's Office of Engineering: "The hazard always grows at this time of the year, when bitter cold often causes the steelwork to become brittle, resulting in more bridge failures."

Among the findings of the survey—One highway bridge out of every 5 in the U.S. is deficient and dangerous to use. More than 100,000 spans are officially in that category now, and the number is still rising.

Every two days, on average, another bridge sags, buckles or collapses.

Poor bridge approaches and lack of adequate signs and signals kill an estimated 1,000 Americans yearly, in addition to the 8 or 10 who die as a result of actual bridge failures.

DANGEROUS FAULTS

On highways built with federal aid—the nation's major roads—some 7,000 bridges are considered structurally unsound, FHA experts report, and another 25,000 are called "functionally obsolete" because they are narrow, have low overhead clearance or are poorly aligned with the road. Replacing these 32,000 unsafe bridges would cost about 10.4 billion dollars and would take 80 years at the present rate of the replacement program, the engineers estimate.

The cost of replacing all of the unsafe bridges, both those on federal-aid and non-aid local highways, is computed by FHA officials at 23 billion dollars.

Why have the nation's bridges been allowed to deteriorate to this extent? The main reason is that local governments tend to spend limited highway funds on other things first. A federal bridge-replacement program was started in 1972 to provide 75 percent of the cost of needed work on city or State bridges, but only 475 million dollars has been authorized, and work is going slowly. Up to December, 1976, just 978 bridges had been or were being upgraded under this program.

Examples of what has happened to bridges as a result include—

A span over the Hudson River at Troy, N.Y., collapsed in 1977, fortunately with no deaths involved.

Two persons died when a bridge over the South Canadian River in central Oklahoma fell in 1976.

In 1975, a link over the Yadkin River near Siloam, N.C., collapsed, causing four deaths and 16 injuries.

The biggest modern tragedy was the collapse of the Silver Bridge over the Ohio River in 1967, with a death toll of 46 persons.

There are lesser problems, too, that are aggravating and time-consuming.

Near Weatherford, Tex., is a highway bridge

with a 20,000-pound weight limit. But the county fire department there reportedly exceeds the legal limit by driving its 22,000-pound truck over the span routinely—because the detour would require 30 miles of driving and perhaps an hour of extra time. Ten States With the Most Unsafe Bridges

	Number of deficient or obsolete bridges
1. Iowa	14,000
2. Oklahoma	5,945
3. Pennsylvania	5,939
4. New York	5,750
5. Kansas	5,540
6. Texas	5,346
7. Missouri	4,786
8. Tennessee	4,755
9. Nebraska	4,500
10. Illinois	4,436

Source U.S. Dept. of Transportation.

Rerouting of school buses around unsafe bridges is an increasingly common necessity. In one rural Midwestern community, this practice costs the schools an extra \$12,000 a year.

In Indiana, a survey by Purdue University showed that more than 6,500 county bridges are unsafe for standard-sized school buses carrying 60 or 64 children. Several schools there have been forced to close from time to time as a direct result of bridge conditions.

Narrow bridges, built before 1935 when cars and trucks were smaller, lighter and fewer, are a particular problem. Three-fourths of all spans in the country are in this category, and many cannot handle modern traffic. Typically, a truck-bus collision in 1972 on a narrow bridge near Fort Sumner, N.M., killed 19. A similar accident in Fort Stockton, Tex., took 15 lives.

HOW COSTS SHOOT UP

Meanwhile, the number of deficient highway bridges in the country reported to the FHA is rising steadily.

In 1968, it was estimated that 88,900 of the nation's crossings were either structurally deficient or functionally obsolete. The replacement cost then was estimated at 14.8 billions. By last year, the number of unsafe bridges recorded had risen to 105,500, an increase of 15.7 per cent, and the estimated replacement cost had risen by more than 50 per cent.

In Congress, hearings have been started, and 14 bills are pending to expand the nation's bridge-upgrading program by as much as 2 billion dollars a year, from the present level of 180 million annually. No bill is likely to reach the floor of either house until next spring.

As one official remarked recently: "With at least 105,000 bridges that people use everyday now listed as unsafe and the number rising steadily, it's only a matter of time before a series of bridge disasters occurs that will make the recent dam breaks look like a Sunday picnic."

SENATOR SPARKMAN'S DECISION NOT TO SEEK REELECTION

Mr. PELL. Mr. President, it was with deep sadness that I heard of the decision of the senior Senator from Alabama, Senator JOHN SPARKMAN, not to seek reelection to this body. Senator SPARKMAN has had a distinguished career spanning 42 years in the Senate and the House of Representatives. During those years, he has not only been an effective champion of his State's interests, but has earned a reputation nationally as a fair and enlightened legislator. Above all, however, he has always been a warm and gracious

human being and one whom I have long admired and whose friendship I greatly value.

While I was chairman of the Rhode Island Stevenson-Sparkman campaign of 1952, my close association with Senator SPARKMAN dates back to 1965 when I became a member of the Committee on Foreign Relations. Senator SPARKMAN was always helpful to me as a new member of the committee, and I have greatly valued his counsel through the years that we have served together on the committee. Among other things, we share a fascination with aquaculture, or fish farming, as an important means of meeting the world's protein needs.

Since he became chairman of the Committee on Foreign Relations in 1975, Senator SPARKMAN has guided the committee with great dignity and respect for the varied interests and points of view on the committee. The great harmony and spirit of cooperation that have marked the work of the committee have been due in no small part to Senator SPARKMAN's leadership.

I shall miss Senator SPARKMAN, as I know all of my colleagues will, and I wish him and his gracious wife, Ivo, all the best for the future.

MS. VANDERVELDEN'S OUTSTANDING SERVICE

Mr. CULVER. Mr. President, a recent article in the Des Moines Register recounts the story of a woman who has devoted 25 years to helping handicapped children.

Lelia VanderVelden was a child polio victim and she feels her illness helped her become more compassionate. This compassion has been channeled to touch the lives of others. For over one-half of her life, Ms. VanderVelden has been teaching handicapped children to cope with both the mental and physical barriers placed before them by society and to recognize their strengths as well as their limitations.

As the executive director of the Convalescent Home for Children in Des Moines, Ms. VanderVelden has initiated several new and innovative programs. Among her achievements is a crisis intervention program designed to aid parents who can no longer care for their handicapped children on a 24-hour basis.

Mr. President, approximately 35 million adults and children are physically or mentally handicapped—one-sixth of all Americans. This large segment of our population has often been denied the benefits and fundamental rights afforded to other citizens of the United States.

Only in the last decade have the needs, capabilities and concerns of people with mental or physical disabilities been nationally recognized. And only with the help of Lelia VanderVelden and many others like her has a national movement begun to help make possible for them more productive, participatory lives.

Mr. President, I wish to share with my colleagues this example of outstanding human service and I therefore ask unanimous consent that the Register story be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Des Moines (Iowa) Register, Nov. 25, 1977]

HELPING THE HANDICAPPED GET BACK IN THE MAINSTREAM (By Debra Kneeland)

For 25 years, Lelia VanderVelden has been teaching handicapped children a philosophy her mother taught her when she was a young girl: "Everybody's normal with a problem."

VanderVelden, 50, has spent half her life as executive director of the Convalescent Home for Children at 211 Twenty-eighth St.

And she has relied on her mother's comforting words to help hundreds of afflicted children accept their handicaps.

"Once a beautiful lady with a fur cape and glass high heels came into the home and a four-year-old boy in a wheelchair with polio asked, 'What's wrong with her?'" VanderVelden recalled.

"I said to myself, 'Don't let me fail this child,' even though the woman was the epitome of everything beautiful and seemed to be perfect."

"I told him, 'She likes to talk about people,' to show him she also had a problem."

WOMAN OFFENDED

The woman, a member of the board of directors, didn't understand when VanderVelden told her she had only said that to help the boy gain confidence in himself.

She was insulted and never spoke to VanderVelden again.

But that's the kind of person VanderVelden is. She couldn't betray the boy.

"The very next day, Greg said he wanted to learn to walk," VanderVelden said with a smile. "And about three years later after a lot of work, he left on crutches, but he was walking."

VanderVelden was triumphant. The fool-proof philosophy that had helped her as a child had worked again.

When VanderVelden was 13 months old, she was stricken with polio. As a result, her right arm and leg grew more slowly than her left.

"When I was 13, doctors stopped the growth in my left leg so my right could catch up. I grew four more inches so now it is barely noticeable," VanderVelden explained.

Reflecting on her childhood, she says her illness helped her become more compassionate toward others.

BECAME RN

In her early 20s she became a registered nurse and worked at Broadlawn Polk County Hospital, where she met several children from the Convalescent Home for Children.

"I had planned to be a missionary in Africa, and I went to three years of Bible school, but I didn't pass the physical when they found out I had polio," she said.

"I'm glad now I took the job at the home instead because I wouldn't have made a good missionary anyway," she said with a laugh. "There are too many ordeals to go through as a missionary, but I was mad at the time."

The task she decided to undertake wasn't a small one, however.

As a licensed nursing home administrator, she handles the budget and oversees the staff, in addition to visiting daily with the 16 children who live there.

The children, ranging in age from 15 months to 16 years old, are afflicted with such diseases as cerebral palsy and muscular dystrophy. Some have convulsive disorders or congenital birth defects. One young girl suffered severe burns in a fire.

Many of the children have come to the home from foster homes after being rejected by their parents. Some have been sent to

the home after their natural parents could no longer care for them 24 hours a day.

STARTED BY JUNIOR LEAGUE

The home, started by the Des Moines Junior League in 1928, moved to 211 Twenty-eighth St. in 1936. The Junior League turned it over to the community in 1952.

It now costs \$50 a day to live at the home. That includes special care administered by a social worker, a registered nurse, licensed practical nurse, director of nurses, recreation therapist and five nurses aides.

Much of the cost is absorbed by Medicaid, private insurance companies, United Way and a foster care for institutions program under the National Social Security Act.

VanderVelden says the facility should be expanded because there are 52 children on the waiting list and one program she started has been cut back.

"I formed a crisis intervention program in 1960 so parents who needed a short break from severely handicapped children could leave them here for a while," VanderVelden said.

"One woman had three boys with muscular dystrophy, and she had never been away from them for a day, so she left them here for a while one summer."

"Now all our beds are filled up, and we can't serve the community in that way any more."

VanderVelden has always tried hard to get community groups involved with the children at the home.

The Variety Club here recently donated a van with wheelchair stalls so the children can go on more weekend field trips, including football and basketball games. Students from the College of Osteopathic Medicine make calls at the home and have taken some residents out for pizza.

Various downtown insurance companies have sponsored parties at the home or donated Christmas trees.

Despite support from certain community groups, VanderVelden says life remains a struggle for handicapped people who choose to strike out on their own.

"I admire people who can accept themselves," she said. "But it's often hard when you see other people doing things you want to do."

She said some of the older children who go to a school for the handicapped will be able to live independently when they are older, although they may need some kind of care.

"My dream is for . . . some kind of residential center for the handicapped, with perhaps a couple of counselors living there to help with problems," VanderVelden said.

"We've had the handicapped closeted and shut away. Now there is an effort to remove some of the barriers and get them into the mainstream," she added.

TAKES TIME

But VanderVelden said it will take time to make people "look beyond a handicapped body to the mind that's inside."

When VanderVelden goes to a super market, for example, she often sees perfectly healthy people parking in spots reserved for the handicapped. She said she is working with the Iowa Department of Transportation to have such offenders ticketed.

"At one store, a grocer hadn't put up his handicapped sign in the parking lot," she said. "He wouldn't listen to me until I said, 'Do you realize that you are losing business because one out of 10 people is handicapped and they can't come here to buy food?'"

"I just think for all these handicapped people who have gotten shortchanged, things should be made easier for them."

Lately, when she isn't busy crusading for the handicapped, VanderVelden can be found floundering around in a swimming pool. Her latest hobby is scuba diving.

VanderVelden, divorced and the mother of two children, 25 and 18, also is an accomplished seamstress (she sells men's suits), a bridge player and a stamp collector.

But scuba diving is her current love.

"I just learned how to swim last year while I was on vacation in the Cayman Islands (northwest of Jamaica, south of Cuba)," she laughed.

"Now for my twenty-fifth anniversary here, my board of directors gave me \$1,000 to go back in March, but I still don't think anyone should be rewarded just because they worked 25 years."

SENATOR LEE METCALF

Mr. PELL. Mr. President, I join my colleagues in mourning the passing of LEE METCALF, who served the people of Montana and the Nation with great distinction in the Senate for 17 years.

LEE METCALF and I came to the Senate in the same year, and took the oath of office for our first Senate terms on the same day, January 3, 1961. At the time of his passing, we were the only surviving members of the class of Senators first elected to the Senate in 1960, although he had previously served with great distinction in the House of Representatives where he was chairman of the minorities study group.

Through his years of service in the Senate, LEE METCALF proved himself a steadfast champion of the American consumer and one of the most effective and persistent battlers for electric utility rate reform. In his final months, he continued his efforts on behalf of consumers in his role as a Senator conferee on energy legislation.

LEE METCALF was a warm and compassionate man who had a smile and a friendly greeting for everyone, regardless of position here in the Senate or in life.

He will be missed both in his home State of Montana, which he so loved, and here in the Senate. I extend my deepest sympathies to his lovely wife, Donna, and their son.

CONSUMER PROTECTION AND ENERGY GOALS

Mr. METZENBAUM. Mr. President, extraordinary increases in heating costs in recent years, coupled with the continuing energy debate, has resulted in an unprecedented demand for energy conservation mechanisms. The result has been an influx into the marketplace of an inordinately high volume of home insulation products. The combination of market demand and absence of market safety standards has provided fertile ground for profiteers with get-rich-quick schemes.

If we are to propose energy conservation measures to the American consumer, then we must insure that those measures are safe and effective. Bills recently introduced in both the House of Representatives and the Senate address this issue by focusing on the need for safety standards for cellulose insulation, a product which, at present, is not required to follow any standard, and which is invading the marketplace at an unex-

celled pace. The Department of Commerce has informed my distinguished colleague, Mr. FORD of Kentucky—that ten new cellulose manufacturers enter the market each month.

In my own State of Ohio alone, Federal programs administered through the Community Services Administration weatherized about 13,000 units between October 1975 and November 1977. By September 1978, another 6,000 units are scheduled to be added to this number. Nationally, an estimated one-half million housing units will have been treated to some form of weatherization under this program by the end of 1978. Under the different methods of weatherizing, insulation is the one most commonly used, and cellulose material is that type of insulation most commonly installed. In view of the questions now unanswerable about the long-range effects and safety properties of cellulose insulation, certain standards must be applied as soon as possible to its content and its installation.

What is at stake here is the safety of millions of Americans who are responding to the need to save energy. When the prevailing Government policy, at Federal, State, and local levels, is bolstered by both private industry and public interest groups, imploring consumers to conserve energy, and enticing them through federally funded programs and tax credits, then it is the responsibility of Government to insure that insulating materials are safe and effective. Consumer protection in this case is obligatory.

As another frigid winter already drops its destruction upon city after city, Cleveland among the worst, time is a crucial factor if what we do is to count at all. The time-consuming and ponderous processes of promulgating regulations become all too ironic if they are promulgated after the dangers of an existing situation have been inflicted on millions of unknowing and trusting consumers. Americans, traditionally, tend to display total confidence when less than total confidence is warranted. Such a climate invites abuse and it is just such abuse that this legislation would discourage.

While many manufacturers and distributors of insulating materials follow the existing General Services Administration's standard for flammability and corrosiveness, some clearly do not. And the accelerating number of those who are too rapidly, with little preparedness, entering the market multiplies dangerously the risk to the health and safety of millions of consumers. A tragedy of incalculable dimensions could result if those very Americans who respond to the President's plea to conserve energy this winter invest in home insulation only to become victims of unsafe products manufactured and/or distributed by profiteers. As a preventive measure an interim bill is essential.

For this reason, I join Mr. FORD in his effort to direct the Consumer Product Safety Commission to establish mandatory interim standards for cellulose insulation. I am pleased to add my name as a cosponsor of the "Emergency Interim Consumer Product Safety Rule Act of 1977."

CRIMINAL CODE REFORM ACT OF 1977

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the unfinished business, S. 1437, which the clerk will state by title.

The second assistant legislative clerk read as follows:

A bill (S. 1437) to codify, revise, and reform title 18 of the United States Code, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The pending question is on amendment No. 1659 on which there is a time limitation of 1 hour. There will be no rollcall votes before the hour of 1:15 p.m.

Mr. SCOTT. Mr. President, I have just had an opportunity to speak briefly to the distinguished majority leader, without obtaining an agreement from him, but I find that yesterday there was a change made in the section of the bill, of which I was unaware, that relates to amendment No. 1660, and also that the language is the language that was adopted by a committee amendment rather than the language of the original bill.

I ask unanimous consent that instead of considering amendment No. 1659 we now take up my amendment No. 1660.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER THAT NO ROLLCALL VOTES OCCUR TODAY BEFORE 2 P.M.

Mr. ROBERT C. BYRD. Mr. President, with the concurrence of the distinguished Senator from Virginia (Mr. SCOTT) I ask unanimous consent that no rollcall votes occur today before the hour of 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1660

Mr. SCOTT. Mr. President, I ask that amendment No. 1660 be stated.

The PRESIDING OFFICER. The clerk will report.

The second assistant legislative clerk read as follows:

The Senator from Virginia (Mr. SCOTT) proposes an amendment numbered 1660:

On page 279, beginning with line 15, strike out through line 12 on page 281.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senator may not be taken off the floor, and that I be allowed to put in a quorum call so that the managers of the bill will be aware of the fact that the period for eulogies has ended and that the Senate is now on the bill. Will the Senator allow that?

Mr. SCOTT. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I suggest the absence of a quorum, Mr. President, and I ask unanimous consent that the time not be charged to Mr. SCOTT.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, on behalf of Senator DOLE I ask unanimous consent that Steve Kittrell and Ernie Garcia, of his staff, be allowed on the Senate floor during consideration of amendments to S. 1437.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, we are now considering my amendment 1660 rather than 1659 that we had previously agreed to consider at this time, and it is my understanding that we will have a vote on this amendment at 2 o'clock, and then after the vote at 2 o'clock, we will take up amendment 1659.

Mr. President, the amendment before us would strike section 3725 entitled, "Review of a Sentence." The portion stricken begins at line 15 of page 279 and goes through line 12 of page 281. It would change existing law to provide rights of appeal when either the defendant or the Government felt that a sentence by the trial judge was not in accord with guidelines established in this bill. Frankly, a number of trial judges have expressed concern to me about this provision of the bill and about this particular section.

In my opinion, most of our Federal trial judges are competent, hard-working individuals who attempt to mete out justice in a fair and impartial manner. They can observe everything that happens in their courtroom. They obtain an understanding of a case that is impossible for another individual, however learned he may be in the law, to obtain from a review of the transcript. I note on page 280 that the clerk shall certify to the court of appeals:

(1) That portion of the record in the case that is designated as pertinent by either of the parties;

(2) The presentence report; and

(3) The information submitted during the sentencing proceeding.

Upon that meager information, the appellate court would sit in judgment upon the wisdom of the trial judge in determining the length of the sentence for a convicted felon.

The chapter goes even further and indicates that the court of appeals in determining whether or not a sentence is unreasonable shall have regard for:

(1) the factors to be considered in imposing a sentence, as set forth in part III of this title; and

(2) The reasons for the imposition of the particular sentence, as stated by the district court pursuant to the provisions of section 2003(b).

Mr. President, a trial judge, learned in the law, sitting through a trial that may consume many days, weeks, or even months cannot possibly reduce to writing and state the reasons in exact detail as to why a given defendant is sentenced to a particular number of years in a specific instance, while another defendant is sentenced to a somewhat different term. He has presided throughout the trial. He has observed the demeanor

of the defendant. He has heard the emphasis placed upon particular words. He has seen the expressions upon the faces of the witnesses. He has observed the reaction of the jury. He has the opportunity to become intimately familiar with every facet of the happenings in his court during the trial. No appellate judge can review portions of the record, the presentence report, and the information submitted during the sentencing proceeding and have anything comparable to the knowledge of the case that the trial judge has.

Even if the trial judge could express in detail every thought that crossed his mind, it would inevitably provide ammunition for a defendant, or for the Government, in the case of an appeal by the Government, to raise questions with regard to the validity of the processes within the trial judge's mind and rather than expedite the trial of lawsuits as presently needed to eliminate congestion in the courts, it would tend to prolong litigation and further congest the courts. Due process of law certainly does not require a series of hearings on every particular phase of a lawsuit but only one fair and impartial trial.

Of course, the Congress makes the law and the courts supposedly apply it as enacted by the Congress. Yet, it would be a frustrating thing for a trial judge to attempt to put down in writing every factor that crossed his mind. This individual who has spent the major part of his adult life studying the law may give some slight consideration and later discard some feature that might be difficult to explain in writing. Other matters might be given some credibility because of the sincerity reflected in the voice of a defendant or a witness.

My trial experience has been principally limited to civil cases but I have also reviewed many transcripts of cases tried by other lawyers. With 21 years in the Department of Justice, I have reviewed hundreds of transcripts to make recommendations to the Solicitor General as to whether or not an appeal should be taken in a given case. But there is a lot of difference between participation, observing everything that happens, and reading about it from a transcript. How many interpretations can you give to simple phrases like "thank you" or "good morning" when you hear the spoken words, as distinguished from reading the phrases? Inflection in the voice does make a difference. When you hear these words spoken, you may get a somewhat different feeling than when you read the words from a written page.

Any of us might write a book on the happenings of the Senate and another individual could read the book, but, Mr. President, he could not possibly learn from the reading of the book, regardless of its author, as much about activities in the Senate as we learn by serving as Senators. In my opinion, an appellate judge cannot possibly learn the details, nor acquire the necessary knowledge upon which to base a decision as to the proper sentence for one convicted of a crime, as that learned by the presiding judge in the actual trial of the case. To

me, this section is a step backward in the administration of criminal justice and should be eliminated. That is why, Mr. President, I have asked that this portion of the bill be stricken.

Mr. President, I would like to have the yeas and nays on the amendment. Therefore, I call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SCOTT. Mr. President, I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, the arguments which have been raised by my distinguished colleague and friend from Virginia are matters which were given very substantial consideration during the drafting of this legislation. Sentencing was given a great deal of consideration by the Brown Commission and by the Judiciary Committee. I mentioned, and I shall mention again, because I think it is important for the record, that one of our most distinguished colleagues, Senator Roman Hruska, who was the senior member of the Judiciary Committee and a member of the Brown Commission—strongly favors appellate review.

Referring to the bills that he had introduced on appellate review, Senator Hruska said:

It was my thought in the bills that I had introduced that there should be appellate review with proper procedural requirements available to anyone who is convicted of a crime. The basis of that—and it is perhaps the most persuasive argument in favor of it—is that America is the only civilized country that I am aware of that does not have some form of appeal of sentence. We are the only country, Mr. Chairman, in which the word of one man is not supervised, is not reviewed, and is totally uncontrollable as it now stands, barring only those wide ranges in which the sentence may be imposed.

Indeed, Senator Hruska would have guaranteed as a matter of right, appellate review of all sentences. This particular legislation, as I have stated before, does provide for appellate review as a matter of right when the guidelines are not followed. If the sentences exceed the guidelines, the defendant may appeal; if they are lower, then the Government may appeal. Even within the guidelines, appellate review may be permitted. So we did not, in this legislation, go as far on the issue of appellate review as some would like. But the provisions will enhance the public's view of our criminal justice system.

I believe that that is one of the most important reasons for this provision, to gain the confidence of the American people in our system of justice. That may be a vague concept in some people's minds, but it is certainly not vague in my mind or in the thinking of the American Bar Association. It points out, in its support for appellate review of sentences, that the ability to review sentences will give the American people a greater respect for the judicial system.

In addition, as to those States that do provide appellate review, I think it is important to point out that there has not been a significant or substantial, or even a slight increase in the burden placed on the various appellate courts of those re-

spective States. As the bar association points out in reviewing those States which do provide such review, there has not been an additional burden placed on the appellate courts. To the contrary, the bar association believes—and, in their report, they indicate and justify the reason for that belief—that, actually, there may be a decrease in appellate review, because we will avoid the situation where defendants try to appeal convictions solely because of excessive sentencing. We deal with that issue in the guidelines.

I also believe that, by establishing appellate review, we shall establish very clearly a new case law of sentencing so that rational, principled sentencing will develop.

So, Mr. President, from practical experience, the record is clear that there have not been abuses of appellate review. From the standpoint of the citizen's perception of our system of justice, it is important. By promoting valuable case law, it is important.

There will also be, obviously, an opportunity at long last to correct grossly excessive sentencing.

Mr. President, these are the reasons why, in brief, the American Bar Association has supported the basic concept of sentencing review—equity, fairness, case law, respect for law by the American people. It is why our distinguished colleague, Senator ROMAN HRUSKA, who spent so much time on this code, supported enthusiastically an even broader appellate review procedure.

Mr. President, I also mention at this time the testimony of perhaps the most capable district judge in our country, Judge Marvin E. Frankel. He said, in his testimony:

The appellate court looks at the sufficiency of the evidence to sustain a conviction. It looks at the rules on evidence. It looks at the sufficiency of evidence to justify all manner of things that the trial judge may have done. The appellate court looks at a lot of things that are peculiarly the business of trial judges....

He says:

Appellate courts do not empanel juries. They do not keep order in the court room. They do not select juries generally. They do not appoint counsel. But they do, in every one of those kinds of situations, have authority to review, revise, reverse what we trial judges have done.

Mr. President, why should sentencing review be any different? Judge Frankel put it best:

I would say that, insofar as the things that the trial judge does are peculiarly within his competence, insofar as he has seen the witnesses, seen the defendant, and has, supposedly, some special advantage for judgment—that is handled by the appellate court by giving a certain degree of deference to what the trial judge has done. But it is not handled by closing the door on review altogether.

That is a distinguished judge talking about appellate review.

And that is where the Senate Judiciary Committee comes out in support of appellate review. Senator Hruska mentioned in his own testimony, and which any witness could have stated, we are the only civilized nation in the world com-

mitted to the rule of law that does not provide for a sentencing appellate procedure of some sort.

For all those reasons, I stand in opposition to the amendment of the Senator from Virginia.

Appellate review is limited in S. 1437, but what has been done is extremely important and expands in a very significant way the protections of individual rights and liberties of the American citizen.

For those reasons, I hope that the Senator's amendment will be defeated.

Mr. SCOTT. Mr. President, I appreciate the position of the distinguished Senator from Massachusetts.

One might, however, be led to believe by listening only to the remarks that he made, if they had lived in a vacuum, that no convicted felon ever appealed any case.

We are not talking about a right of appeal in a general sense. We are speaking of a right of appeal in a specific sense.

I believe the people of the country have a degree of disgust—and I use the word "disgust" advisedly—with the time consumed by people guilty of serious crime in going through the appellate process.

I believe that the penitentiary lawyers, people who are serving, who have been convicted and who are serving time in the penitentiary, seek writs of habeas corpus. They do it with a great deal of frequency. I believe they take up a lot of the time of our courts in doing this.

So, we are not talking about the right of a defendant to appeal from a case in which the rules, the Constitution, the statutes, have not been followed. We are talking only in the narrow sense of appealing a sentence that has been imposed by the trial judge. The defendant has been found guilty of committing the offense and the question then is, should he serve time in the penitentiary, should he be placed on probation? If he is to serve time, how much time shall he serve?

I believe that elsewhere in this bill there is a provision that establishes guidelines that the trial judge would follow as to the type of crime that was committed. Let me say that when we speak of a trial judge, a Federal judge of a U.S. District Court, we are not speaking of a new lawyer. We are speaking of a man that ordinarily the Department of Justice requires have a minimum of 15 years experience as a lawyer. They like to have someone's name submitted to them who has had a major portion of his experience in the Federal court.

So this is not a novice that we are speaking about that hears the testimony, that fixes the sentence. It is a man that has spent the major part of his life, and I believe he is much better able to judge the time that a convicted felon should serve from observing everything that happened in his courtroom than an appellate judge is from reviewing a record.

I know the distinguished Senator from Massachusetts is a graduate of the University of Virginia Law School and may well be familiar with the law in Virginia that our appellate courts or State courts never reverse a trial judge unless he is clearly—clearly—wrong. It is one of the principles of law that they resort to. They

give great credence to the decisions of a trial judge.

I believe that we would consume more time. I believe we would congest our courts more. I believe it would be a step backward in the proper administration of justice for us to pass this bill as it is written. Therefore, Mr. President, I do hope that the Senators will give careful consideration to this measure and that my amendment will be adopted.

Mr. HODGES addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. Twenty minutes.

Mr. KENNEDY. Mr. President, I yield such time as the Senator may need.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. HODGES. Mr. President, I speak against the amendment on those narrow grounds mentioned by the distinguished Senator from Virginia.

No man, unfortunately, is perfect, and no individual has the wisdom of Solomon. Yet within our judicial system, on a Federal level, these sentencing decisions must be made by a single Federal judge on a regular basis.

The framers of our Constitution did not feel so august a body as the Senate and the House should go unchecked in the actions they take, and to place into the hands of a single man the life and liberty of a person who has been found guilty of a crime seems to me to be very shortsighted.

This amendment would do away with appellate review of sentencing and, as such, I think it strikes at the heart of the entire code. It surprises me somewhat. Although I do not personally know the distinguished Senator from Virginia, I know his concerns generally, and those concerns are often for individual liberties. I think I view what is at stake here as a matter of individual liberty. The liberty and right of a single man to have his destiny determined by someone other than another single man.

I have had trial experience in the Federal courts and have recently had a series of Federal cases involving insurance fraud, both by doctors and by individuals.

Mr. SCOTT. Mr. President, will the Senator yield, briefly?

Mr. HODGES. I yield on the time of the Senator from Virginia.

Mr. SCOTT. The Senator speaks of the fate being determined by a single man. Of course, as a lawyer, the Senator from Arkansas realizes that the fate is determined generally by a jury of the defendant's peers. So we are not talking about the fate of a man, his guilt or innocence, being determined by an individual. The judge who is presiding at the trial merely determines the law of the case and determines the sentence, in the event that a jury of the defendant's peers determines that the person is guilty.

We are not talking about a man's life, because I do not think we have any Federal statutes now under which the death sentence can be imposed.

Would not the distinguished Senator from Arkansas agree with this?

Mr. HODGES. I think if the distinguished Senator from Virginia will allow me to complete my thoughts, it will become clear to him what I have in mind.

I believe it clear to those of us involved in the practice of law that in the Federal courts, the juries do determine guilt or innocence, and the judge then determines what the sentence will be. Yet that is the heart of the problem.

To give the distinguished Senator from Virginia an example, in my State one judge thinks that white-collar crime is the most abhorrent crime known to man, and he is very harsh in his sentences. Yet, another judge in our State does not feel that way and, as a matter of fact, often puts these criminals on probation, giving very small fines.

As to a man's fate—that is, what happens to him after a jury makes its determination—that is determined in the Federal system by only one man, and with respect to that one man who sits there, never subject to the will of the people, except for being presented to the Senate for confirmation of his nomination, and who is on the bench for life, not responsive to the ordinary pressures of life, then, yes, I am talking about individual liberties and the fate of a man being determined solely by one individual.

Mr. President, what we are talking about is a situation in which we should picture ourselves, were we to be so unwise and injudicious as to commit a crime. In whose hands would we want our fate to rest? We would face a single man, as that is the system, and we must accept it. But I want to create the right for everyone individually to be able to go someplace for review—to someone else who is not biased for or against white-collar crime, to someone who can give a second judgment.

I repeat that no man is so perfect in his judgment that he should not be subject to review by another. There are no Solomons, and even Solomon determined that wisdom was a very elusive idea.

I think there are any number of good, sound reasons for defeating this amendment, but the most important is the right of a man to have review by some other person, which I call simply fundamental fairness—or the essential notion of justice that we have developed in this country. This amendment would do great harm and damage to that concept and that fundamental right.

Mr. KENNEDY. Mr. President, there is really nothing to add to the splendid statement by Senator HODGES on this issue.

I may be mistaken, but this might be the first time he has spoken on the floor of the U.S. Senate. It was a speech in behalf of individuals and individual liberty, striking at the whole sense of fairness and equity of our judicial system. It is a very eloquent and compelling argument. I commend the Senator for his statement and for the thoughtfulness with which he made it.

Mr. President, I reserve the remainder of my time.

Mr. SCOTT. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER (Mr. MELCHER). The Senator from Virginia has 14 minutes and the Senator from Massachusetts has 13 minutes remaining.

Mr. SCOTT. Mr. President, I do not wish to consume all my time. I would like to retain, with the consent of the distinguished Senator from Massachusetts, just a minute or two to explain to Senators, before the vote, that we have changed from one amendment, from amendment No. 1659, to amendment No. 1660, so that they will know what they are voting on before they vote.

Mr. President, I should like to respond to the distinguished Senator from Arkansas. I regret that he has erred in speaking for the first time on the floor of the Senate, in opposing an amendment I have offered. I say that in jest, of course. We welcome him to the Senate, certainly not to replace our distinguished and departed Senator from Arkansas. I know that Senator HODGES just intends to be with us for the remainder of the term. We are very happy to have him with us. But I am sorry that he chose this time to give his maiden address, in opposition to my amendment.

Mr. President, I believe that one of the major features of the criminal law for confining someone in the penitentiary is as a deterrent to others in the commission of crimes. If all defendants can have an opportunity to delay a final decision on whether or not they are going to serve in the penitentiary, I believe that this tends to reduce the deterrent to commit crimes in the future.

In my judgment, due process of law, which is guaranteed to every American, merely means his right to notice, his right to be heard, his right to have his day in court. It only means one trial. Yet, we know that there are many appeals, that sometimes from the date a person is charged with crime until the date he actually starts serving his sentence often consumes many years. This, to me, would mean that it would be a further consumption of time between the date of the finding of guilt of a convicted felon and the time when he might commence paying for the offense of which he has been found guilty, in those cases in which guilt is found.

Mr. President, I do not intend to use the remainder of my time, except for just a moment to explain that we have transferred from one amendment to the other. I wonder whether we could set this amendment aside and conduct other business. I understand that we are not to vote on this amendment until 2 p.m. Would that be agreeable to the distinguished Senator from Massachusetts?

Mr. KENNEDY. Mr. President, it is my understanding that we will not vote until 2 p.m. The distinguished ranking member, Senator THURMOND, would like to address this issue. I yield such time as the Senator desires.

Mr. THURMOND. Mr. President, my experience has been as a lawyer for many years and as a circuit judge in South Carolina, which is the highest trial court of the State. The judges often go to the extreme in sentencing. For example, in liquor cases, if a certain judge was up and a defendant was charged with violation

of the liquor law, the defendant would usually not want that judge to hear the case and would wait for another judge who took a more lenient position on such crimes to take over the docket.

And the same thing is true of other types of crime. I have often felt it would be helpful if we did have some guidelines that would keep the sentences more in proportion, because when one man receives 5 years for a crime and another one, with practically the same facts, receives 25 years. It just does not seem fair and just.

The military courts-martial law sets out guidelines, and I recall that when I was in the service I thought it was most helpful. It gives flexibility to the trial judge, but yet it does not allow him to go to extremes, so to speak.

For that reason, I will have to oppose this amendment.

Senator Hruska, in hearings last year made a statement which I think is pertinent on this point. He said:

There should be appellate review with proper procedural requirements available to anyone who is convicted of a crime. The basis of that—and it is perhaps the most persuasive argument in favor of it—is that America is the only civilized country that I am aware of that does not have some form of appeal of sentence. We are the only country, Mr. Chairman, in which the word of one man is not supervised, is not reviewed, and is totally uncontrollable as it now stands, barring only those wide ranges in which the sentence may be imposed.

I think Senator Hruska has expressed it very well in those words, and during his testimony he made another statement I thought was applicable, too:

In every other situation that we know of, there lies an appeal except where a man's liberty is taken from him by a judge whose action is not appealable as long as he stays within those guidelines.

So, Mr. President, in view of the great disparity in sentences, in view of the undue flexibility allowed judges in sentences, and in view of the fact that some judges seem to take a position on certain crimes and give heavy sentences in one type of crime whereas they might be extremely light on some other crime, it appears to me that this provision in the bill might be helpful. Therefore, I oppose the amendment.

Mr. SCOTT. Mr. President, I ask unanimous consent that this amendment be temporarily set aside until 1:55 p.m. and that the remainder of the time be equally divided between the distinguished Senator from Massachusetts and myself.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Is that with the understanding that we vote at 2 o'clock?

Mr. SCOTT. With the understanding that there be a rollcall vote at 2 o'clock.

Mr. KENNEDY. Or whatever disposition will be made at 2 o'clock.

Mr. SCOTT. I am not foreclosing the right to make a motion to table if that is what the distinguished Senator has in mind.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Senate con-

sider en bloc, and if adopted consider as original text for the purpose of further amendment, the amendments of the Committee on the Judiciary to S. 1437 located in the bill as follows:

All of the amendments appearing on pages 257, 258, 260, 261, 262, 263, 267, 275, 276, 280, 281, 282, 283, 285, 287, 288, 298, 299, 301, 302, 305, 306, 307, 316, 317, 363, 369, 374, 375, 376, 377, 378, 379, and 380; the amendments appearing at lines 12, 30, and 35 on page 259; the amendments appearing at lines 2, 4, and 33 on page 264; the amendment appearing at line 5 on page 265; the amendment appearing at lines 38 and 39 on page 266; the amendments appearing at line 17 and line 19 on page 268; the amendments appearing at line 8 and line 19 on page 269; the amendments appearing at lines 3 through 13 on page 270; the amendments appearing at lines 11, 12, 24, and 28 on page 271; the amendments appearing at line 4 through line 17 and at line 21 on page 272; the amendments appearing at line 26 and line 34 on page 273; the amendments appearing at line 29 and line 30 on page 277; the amendments appearing at line 7 through line 15 on page 278; the amendments appearing at line 11, at line 18 through line 23, and at line 25 through line 39 on page 279; the amendments appearing at lines 1 and 2, at lines 19 and 20, and at line 36 on page 286; the amendments appearing at lines 1 through 8 on page 289; the amendments appearing at lines 3 through 16 and at line 22 on page 291; the amendments appearing at line 21 and line 27 on page 297; the amendment appearing at lines 13 and 14 on page 312; the amendment appearing at lines 23 and 24 on page 360; that part of the amendment on pages 368 and 369 as appears at lines 19 through and including 31 on page 368, and at line 36 on page 368 through and including line 14 on page 369; the amendments appearing at line 18 and at line 25 on page 369; and the amendments appearing at lines 1, 4, 8, 18, 23, and 25 on page 381.

THE PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Massachusetts?

Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 258, line 3, strike "or." and insert "or";

On page 256, line 24, after "majority" insert a comma and "including the nature of past treatment efforts";

On page 257, line 28, after "disposition" insert "no later than 20 court days after trial unless the court has ordered further study pursuant to subsection (d)";

On page 257, line 30, after "delinquency, insert "enter an order of restitution pursuant to section 2006";

On page 257, line 32, after the period, insert "With respect to release pending disposition, or pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to the provisions of section 3504";

On page 257, beginning with line 38, insert the following:

"(1) In the case of a juvenile who is less than nineteen years old, beyond the lesser of:

"(A) the date when the juvenile becomes twenty-one years old; or

"(B) the maximum term that could have been imposed if the juvenile had been tried and convicted as an adult; or

"(2) in the case of a juvenile who is between nineteen and twenty-one years old, beyond the lesser of:

"(A) two years; or

"(B) the maximum term that could have been imposed if the juvenile had been tried and convicted as an adult.

On page 258, beginning with line 10, strike through and including line 14;

On page 258, line 15, strike "and 2104" and insert a comma and "2104, and 2105";

On page 258, line 37, after "which" insert "he shall have regular contact with";

On page 259, line 11, after "section" insert "3602(f) or";

On page 259, line 30, after "section" insert "3602(c) or";

On page 259, line 35, strike "3834" and insert "3843";

On page 260, line 17, after "victim," insert "or, if the victim is deceased, the immediate family of the victim";

On page 261, line 16, strike "3614. Hospitalization of a Convicted Person Suffering from Mental Disease or Defect";

On page 261, line 16, strike "3615" and insert "3614";

On page 261, line 16, strike "3616" and insert "3615";

On page 261, line 16, strike "3617" and insert "3616";

On page 261, line 31, strike "3617" and insert "3616";

On page 262, line 2, strike "3617" and insert "3616";

On page 262, line 10, strike "mental hospital, or in another";

On page 262, line 11, strike "designated by the Court as suitable";

On page 262, line 12, strike "six" and insert "four";

On page 262, line 17, strike "six" and insert "two";

On page 262, line 23, strike "law" and insert "law";

On page 262, line 23, insert "whichever is earlier";

On page 262, line 27, strike "3616" and insert "3615";

On page 262, line 29, strike "MENTAL HOSPITAL" and insert "SUITABLE FACILITY";

On page 262, line 38, strike "3617" and insert "3616";

On page 263, line 19, strike "3617" and insert "3616";

On page 264, line 2, strike "3617" and insert "3616";

On page 264, line 4, strike "3617" and insert "3616";

On page 264, line 33, strike "MENTAL HOSPITAL" and insert "SUITABLE FACILITY";

On page 265, line 5, strike "3617" and insert "3616";

On page 266, line 38, strike "mental hospital" and insert "suitable facility";

On page 267, line 6, strike "3617" and insert "3616";

On page 267, line 8, strike "3617" and insert "3616";

On page 267, line 12, strike "mental hospital" and insert "suitable facility";

On page 267, line 15, strike "mental hospital, or in another";

On page 267, line 15, strike "designated by the court as suitable";

On page 267, line 16, after "of" insert "such";

On page 267, line 17, strike "in a mental hospital";

On page 267, line 19, strike "MENTAL HOSPITAL" and insert "SUITABLE FACILITY";

On page 267, line 23, strike "a mental hospital" and insert "such a facility";

On page 267, line 30, strike "3616" and insert "3615";

On page 267, line 33, strike "pursuant to this subchapter";

On page 267, line 36, after "dismissed" insert "solely";

On page 268, line 17, strike "3617" and insert "3616";

On page 268, line 19, strike "3617" and insert "3616";

On page 269, line 8, strike "MENTAL HOSPITAL" and insert "SUITABLE FACILITY";

On page 269, line 19, strike "3617" and insert "3616";

On page 270, line 3, strike "3617" and insert "3616";

On page 270, beginning with line 4, strike through and including line 6, and insert in lieu thereof the following:

"(a) DEFINITIONS.—As used in this subchapter:

"(1) 'insanity' means a mental disease or defect of a nature constituting a defense to a federal criminal prosecution;

"(2) 'suitable facility' means a facility that is suitable to provide care or treatment given the nature of the offense and the characteristics of the defendant.

On page 272, line 4, strike "3615, or 3616" and insert "or 3615";

On page 272, line 6, strike "continuing" and insert "containing";

On page 272, line 7, after "concerning" insert "the need for";

On page 272, beginning with line 11, insert the following:

"(f) VIDEOTAPE RECORD.—Upon written request of defense counsel, the court may order a videotape record made of the defendant's testimony or interview upon which the periodic report is based pursuant to subsection (e). Such videotape record shall be submitted to the court along with the periodic report.

On page 272, line 16, strike "(f)" and insert "(g)";

On page 272, line 21, strike "(g)" and insert "(h)";

On page 273, line 26, strike "(h)" and insert "(k)";

On page 273, line 34, strike "3616" and insert "3615";

On page 275, line 25, after "Court" insert "may";

On page 276, line 22, strike "is not" and insert "need not be";

On page 277, line 29, after "decisions," insert "judgments, and";

On page 277, line 30, strike "and judgments";

On page 278, at the beginning of line 7, insert "(a) APPEAL IN GENERAL.—";

On page 278, line 8, after "final" insert "decision";

On page 278, beginning with line 10, insert the following:

"(b) REVIEW OF AN ORDER UNDER RULE 35(b)(2).—A defendant may file with a United States Court of appeals a petition for leave to appeal an order of a district court granting or denying a motion to correct a sentence pursuant to Rule 35(b)(2) of the Federal Rules of Criminal Procedure.

On page 279, line 11, strike "(d)" and insert "(e)";

On page 279, line 18, after "includes a" insert "greater";

On page 279, line 18, after "fine or" strike "a";

On page 279, line 19, strike "or a term of parole ineligibility higher";

On page 279, line 20, after the comma, insert "or a lesser portion of a term of imprisonment subject to the defendant's early release than the minimum established in the guidelines";

On page 279, line 27, strike "(2)" and insert "(1)";

On page 279, line 31, strike "(3)" and insert "(2)";

On page 279, line 34, strike "GOVERNMENT" and insert "GOVERNMENT";

On page 279, line 37, after "includes a" insert "lesser";

On page 279, line 37, after "fine or" strike "a";

On page 279, line 38, strike "or a term of parole ineligibility lower";

On page 279, line 39, after the comma, insert "or a greater portion of a term of imprisonment subject to the defendant's early release than the maximum established in the guidelines";

On page 280, beginning with line 5, strike through and including line 6;

On page 280, line 7, strike "(2)" and insert "(1)";

On page 280, line 11, strike "(3)" and insert "(2)";

On page 280, line 11, strike "equal to";

On page 281, line 13, strike "(D) Parole." and insert the following in lieu thereof:

"D. Early Release.

"E. Parole.

On page 281, line 17, after the comma, insert "or placed on probation pursuant to the provisions of subchapter A of chapter 36";

On page 281, line 23, after the comma, insert "with or without compensation";

On page 281, line 25, strike "in its discretion," and insert "for cause";

On page 281, line 26, strike "previously";

On page 281, line 26, after "appointed" insert "to serve with compensation, and may, in its discretion, remove a probation officer appointed to serve without compensation";

On page 282, line 8, strike "court" and insert "judicial district";

On page 282, beginning with line 27, insert the following:

"(f) upon request of the Attorney General or his designee, supervise and furnish information about a person within the custody of the Attorney General while on work release, furlough, or other authorized release from his regular place of confinement;

On page 282, line 31, strike "(f)" and insert "(g)";

On page 282, beginning with line 33, insert the following:

"(h) conduct a pre-release or pre-parole investigation with respect to a person about to become eligible for release from imprisonment; and

On page 282, line 36, strike "(g)" and insert "(i)";

On page 283, line 13, after the comma, insert "or is permitted to proceed";

On page 285, line 27, strike "(8)" and insert "(7)";

On page 285, line 35, after the period, insert "An order of restitution, pursuant to section 2006, does not create any right of action against the United States by the person to whom restitution is ordered to be paid";

On page 286, line 19, strike "(g)" and insert "(f)";

On page 286, line 20, strike "503" and insert "6503";

On page 286, line 36, strike "or his delegate";

On page 287, line 14, strike "imposed or" and insert "imposed, or";

On page 287, line 15, strike "on parole" and insert "for satisfactory behavior pursuant to the provisions of section 3824, or until earlier released";

On page 287, line 20, strike "prison" and insert "penal or correctional";

On page 287, line 20, after "facility" insert "that meets minimum standards of health and habitability established by the Bureau";

On page 287, line 24, strike "appears" and insert "the Bureau determines";

On page 287, line 30, strike "prison" and insert "penal or correctional";

On page 287, line 33, strike "prison" and insert "penal or correctional";

On page 288, line 2, strike "prison" and insert "penal or correctional";

On page 288, line 34, strike "prison" and insert "penal or correctional";

On page 288, beginning with line 36, strike through and including page 289, line 3;

On page 289, line 4, strike "(3)" and insert "(1)";

On page 289, line 7, strike "(4)" and insert "(2)";

On page 291, line 3, strike "(b)" and insert "(d)";

On page 291, line 5, after the comma, insert "under the provisions of subsection (a) (1) or (a) (2)";

On page 291, line 8, strike "less than \$200 nor";

On page 291, line 15, strike "Parole Commission" and insert "Director";

On page 291, line 22, strike "551" and insert "554";

On page 291, line 22, strike "559, and" and insert "557, and";

On page 297, line 21, strike "3834" and insert "3843";

On page 297, line 27, strike "(f)" and insert "(e)";

On page 298, line 2, strike "(f)" and insert "(e)";

On page 298, line 3, strike "less than one year nor";

On page 298, line 5, strike "less than one year nor";

On page 298, line 7, strike "less than one year nor";

On page 298, line 9, strike "less than one year nor";

On page 298, line 11, strike "a Class A misdemeanor" and insert "two or more misdemeanors";

On page 298, line 12, strike "less than three months nor";

On page 298, line 22, strike "(f)" and insert "(e)";

On page 298, line 24, strike "(18)" and insert "(19)";

On page 299, line 11, after "Commission," insert "after a hearing";

On page 298, line 14, after the comma, insert "pursuant to the provisions applicable to the initial setting of the terms and conditions of parole."

On page 298, line 19, strike "3835" and insert "3844";

On page 298, line 35, after "that" insert "the parolee has been convicted of committing a federal, state, or local crime during the term of parole, or that";

On page 298, line 37, after "is" insert "other";

On page 299, line 37, strike "the" and insert "a";

On page 301, line 4, strike "(f)" and insert "(e)";

On page 301, line 30, strike "REPAROLE" and insert "RE-RELEASE";

On page 301, line 31, strike "be reparaoled" and insert "again be released";

On page 301, line 32, strike "subchapter" and insert "chapter";

On page 301, line 33, strike "parole" and insert "release";

On page 302, line 3, strike "3836" and insert "3845";

On page 302, line 4, strike "(a) APPEAL IN GENERAL.—";

On page 302, line 7, strike "(1) parole is denied";

On page 302, line 8, strike "(2)" and insert "(1) terms or";

On page 302, line 9, strike "3834(c)" and insert "3843(b) or (c)";

On page 302, line 11, strike "(3)" and insert "(2) terms or conditions of parole are";

On page 302, line 37, strike "3837" and insert "3846";

On page 302, line 39, strike "551," and insert "554";

On page 302, line 39, strike "559, and" and insert "557, and";

On page 305, line 26, after the period, insert "The Attorney General shall establish procedures to turn over to the victim, insofar as practicable, proceeds forfeited pursuant to section 4001(a) (11) or (a) (12), to the extent of the loss by such victim";

On page 306, line 6, after "subsection" insert "4001";

On page 307, line 2, after "performance" insert "or other";

On page 312, line 13, strike "appropriation" and insert "appropriate";

On page 316, line 9, after "source" insert "or receives restitution pursuant to section 2006";

On page 316, line 11, strike "files a claim" and insert "receives compensation";

On page 316, line 19, after "source" insert "or receives restitution pursuant to section 2006";

On page 316, line 38, after the period, insert "Recovery of any amount by the Attorney General pursuant to this section does not affect the obligation of the defendant to pay a fine for the offense giving rise to the claim for compensation";

On page 360, line 23, strike "201" and insert "141";

On page 363, line 31, strike "202" and insert "142";

On page 367, beginning with line 1, strike through and including page 369, line 14;

On page 369, line 15, strike "C" and insert "B";

On page 369, line 18, strike "221" and insert "143";

On page 369, line 23, strike "D" and insert "C";

On page 369, line 25, strike "231" and insert "144";

On page 381, line 1, strike "F" and insert "D";

On page 381, line 4, strike "251" and insert "145";

On page 381, line 8, strike "252" and insert "146";

On page 381, line 18, strike "253" and insert "147";

On page 381, line 23, strike "254" and insert "148";

On page 381, line 25, strike "241, 242, and 243" and insert "145, 146, and 147";

On page 373, beginning with line 32, strike through and including page 380, line 39;

On page 381, beginning with line 27, strike through and including page 382, line 14;

The PRESIDING OFFICER. What is the pleasure of the Senate? Who yields time?

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ABOUREZK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABOUREZK. Mr. President, I call up amendment No. 1662.

Mr. KENNEDY. Mr. President, may I have the attention of the Senator from South Dakota?

Under the consent agreement, we have agreed to vote at 2 p.m. on Senator SCOTT's amendment and the 5 minutes preceding will be evenly divided. Will the Senator withhold?

Mr. ABOUREZK. I did not know that. I withdraw the request.

The PRESIDING OFFICER. The amendment has not been stated yet. There is no need for withdrawal.

Mr. ABOUREZK. Mr. President, I ask unanimous consent that Irene Margolis of the Judiciary Committee and Glenn Feldman of my staff may have the privilege of the floor during consideration and vote on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABOUREZK. I also ask unanimous consent that amendment No. 1662 be the pending business as soon as the Scott amendment is disposed of.

The PRESIDING OFFICER. There is an order—

Mr. KENNEDY. Reserving the right to object.

There have been two Scott amendments. The second Scott amendment deals with the abolition of the sentencing commission. He had indicated that, after the 2 o'clock vote, he would take just a short period of time and we could vote on that.

I ask unanimous consent that the amendment of the Senator from South Dakota may then be in order.

Mr. ABOUREZK. That is fine, after the second Scott amendment.

The PRESIDING OFFICER. Does the Senator from South Dakota ask unanimous consent that his amendment be called up after the second Scott amendment?

Mr. ABOUREZK. Yes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Tom Wasinger of Senator BARTLETT's staff may have the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from Massachusetts and the Senator from Virginia will be recognized, each for 2½ minutes, with the vote to occur at 2 o'clock on the Scott amendment.

Mr. KENNEDY. Mr. President, I shall put in a quorum call and ask that it be equally divided and I shall wait until the Senator is here.

The PRESIDING OFFICER. Under the precedent, there is not enough time for a quorum call. The time of the two Senators under the previous order will run equally as of now.

Mr. KENNEDY. Then, Mr. President, I yield myself 2 minutes.

Mr. President, the amendment of the Senator from Virginia is a basic and fundamental attack on S. 1437, which establishes a comprehensive reform of criminal sentencing procedures. We recognize, as the Senator from Arkansas said very eloquently, that there should be, in the cases outlined in this legislation, the opportunity for appellate review as a matter of right when the sentencing guidelines are exceeded, and when the sentencing is below the guidelines.

We believe that, in this way, we can insure that individual rights and liberties are going to be protected—not just by the sentencing judge but by developing case law which will result in the in-

creased confidence of the American people in our criminal justice system.

This concept of review has been very extensively considered by our committee. It has been endorsed by the American Bar Association. It has been endorsed by some of the leading, outstanding judges in this country, including the Chief Justice of the United States, Justice Burger.

We believe that, in the States where it has been initiated, the cause of justice has been well served.

Mr. President, I hope that the amendment of the Senator from Virginia is defeated.

I reserve the remainder of my time.

Mr. SCOTT. Mr. President, I shall make this short.

Each Senator understands that we are voting on amendment 1660, first. We were scheduled to vote on amendment 1659.

What this amendment does is eliminate the right of review of the sentence by a trial judge. It would not permit the appellate court to change the sentence once a defendant had been convicted of a felony. The same rights of appeal would continue to exist as now exist. I believe that this is an unnecessary thing that would tend further to delay the imposition of sentence.

The distinguished Senator and I agreed to divide the time left. We have a vote at 2 o'clock on amendment No. 1660 and, thereafter, we shall take up, under a 1-hour time agreement, amendment No. 1659. I have written a note that is on each Senator's desk with regard to amendment No. 1659 that will be taken up later.

Mr. President, I believe we do have the yeas and nays ordered.

The PRESIDING OFFICER. The yeas and nays on the amendment have been ordered.

The time of the Senator from Virginia has expired.

The Senator from Massachusetts has 30 seconds left. Does he care to yield his time or to use it?

Mr. KENNEDY. The Senator from Massachusetts is prepared to vote, Mr. President.

Mr. BAKER. Mr. President, I ask unanimous consent that it may be in order to suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator has that right.

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BAKER. Is there an order entered now for a vote at 2 p.m.?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. A quorum call will delay the vote notwithstanding that order?

The PRESIDING OFFICER. That is correct.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

(Mr. MOYNIHAN assumed the chair.)

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Virginia.

Mr. KENNEDY. Mr. President, I move to table the amendment of the Senator from Virginia.

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment of the Senator from Virginia. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Arkansas (Mr. BUMPERS), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Michigan (Mr. RIEGLE), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) and the Senator from New Jersey (Mr. WILLIAMS) would each vote "yea."

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), and the Senator from Idaho (Mr. McCLEURE) are necessarily absent.

The result was announced—yeas 83, nays 9, as follows:

[Rollcall Vote No. 2 Leg.]

YEAS—83

Abourezk	Griffin	Morgan
Anderson	Hansen	Moynihan
Bartlett	Hart	Muskie
Bayh	Haskell	Nelson
Biden	Hatch	Nunn
Brooke	Hatfield, Ore.	Packwood
Burdick	Hatfield, Mont.	Pearson
Byrd	Hathaway	Pell
Harry F., Jr.	Hayakawa	Percy
Byrd, Robert C.	Heinz	Proxmire
Cannon	Hodges	Randolph
Case	Hollings	Roth
Chafee	Huddleston	Sarbanes
Chiles	Inouye	Sasser
Church	Jackson	Schweiker
Clark	Javits	Sparkman
Cranston	Johnston	Stafford
Culver	Kennedy	Stennis
Danforth	Leahy	Stevens
DeConcini	Long	Stevenson
Domenici	Lugar	Stone
Durkin	Magnuson	Talmadge
Eagleton	Mathias	Thurmond
Eastland	Matsunaga	Tower
Ford	McGovern	Wallop
Garn	McIntyre	Weicker
Glenn	Melcher	Young
Gravel	Metzenbaum	Zorinsky

NAYS—9

Allen	Curtis	Laxalt
Baker	Dole	Schmitt
Bellmon	Helms	Scott

NOT VOTING—7

Bentsen	McClure	Williams
Bumpers	Ribicoff	
Goldwater	Riegle	

So the motion to table Mr. Scott's amendment (No. 1660) was agreed to.

AMENDMENT NO. 1659

The PRESIDING OFFICER. The question recurs on amendment No. 1659.

Will the Senate be in order? Will Senators kindly take their seats.

There is to be 1 hour of debate on amendment No. 1659. The Senator from Virginia.

Mr. SCOTT. Mr. President, I ask that the amendment be stated.

The PRESIDING OFFICER. The clerk will report.

The second assistant legislative clerk proceeded to read the amendment.

The PRESIDING OFFICER. The clerk will suspend. The Senate is not in order. The clerk cannot be heard. Will the Senators kindly show the courtesy to the Senator from Virginia that he customarily shows to them.

The clerk will resume.

The second assistant legislative clerk read as follows:

The Senator from Virginia (Mr. SCOTT) proposes an amendment numbered 1659:

Beginning on page 349, line 20, strike out everything through line 15 on page 359 and make such technical changes in the remainder of the bill as may be necessary due to the elimination of chapter 58.

Mr. THURMOND. Mr. President, I ask unanimous consent, at the request of Senator PERCY, for Jerry Block, of the Governmental Affairs Committee, to be on the floor during the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, I make the same request for Brian Conboy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURKIN. I make the same request for Claire Engers, of my staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SCOTT. Mr. President, if I may have the attention of Senators.

Mr. KENNEDY. Mr. President, may we have order?

The PRESIDING OFFICER. The Senators from Massachusetts and Virginia are correct. The Chair must ask the Senators who are not participating in the debate to withdraw to the rear of the Chamber. A matter of the utmost consequence is before the Senate. The leaders of debate have asked for the attention of the Senate, and the Senate will be in order. The Senator from Virginia.

Mr. SCOTT. I thank the Chair.

Mr. President, I understand there have been some changes in the bill, part of which may relate to this amendment, so I ask unanimous consent that regardless of any changes that may have been made that my amendment still be in order.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SCOTT. Now, Mr. President, this amendment would strike the portion of the bill providing for a U.S. Sentencing

Commission. The proposal before us includes the establishment of a Federal Sentencing Commission made up of seven members appointed for 6-year terms, four to be appointed by the President and the remaining three by the Judicial Conference.

It is my understanding, Mr. President, that yesterday—and I am not thoroughly familiar with the action of the Senate—the power of appointment was in some manner altered so that part of these members would be appointed by the President on the recommendation of the Judicial Conference.

I am not at all sure that the President, making an appointment on the recommendation of a Judicial Conference, would have any bearing on the constitutionality. I am informed by the Library of Congress that there is no case-law on this subject, but it would still remain in doubt as to whether or not this would be a valid appointment.

In any event, each of these seven members would receive a salary of \$57,500. That is the executive level II, and the same as a member of the circuit court, the U.S. Circuit Court of Appeals, and the same as a Member of the U.S. Senate.

They would have the right to employ a staff director, and appoint such officers and employees as they consider necessary to execute the function of the commission.

Now, page 358 of the bill indicates that the employees would be exempt from part 3 of title 5 of the United States Code relating to employee pay and allowances, except that the staff director would be paid no more than the highest supergrade, GS-18, and I am not sure of the exact pay at the present time of a GS-18. It is something in the neighborhood of \$50,000.

But other than the staff director, the other officers and employees, those employed by the Commission, could be paid any amount that was determined by the Commission subject, of course, to the appropriating process of Congress.

At a time when Congress has before it a suggested budget—and I have not had an opportunity to review in any detail the budget for the next fiscal year that was submitted by the President yesterday, but it is approximately \$500 billion, and it provides for a deficit for the 1 fiscal year of approximately \$60 billion, I believe it is \$60.2 billion—it just does not seem to be timely to create a new commission unless it is a most vital one.

The work of this proposed Commission could very well be performed and, I believe, is now being performed by national Judicial Conferences and the Judicial Conferences of the various circuits around the country, and the judges have other meetings from time to time in which they discuss the question of sentencing.

Frankly, I believe the Commission as constituted is contrary to the Constitution and that, as it appears in the bill and reported by the committee, it would permit three of the members of the Commission to be appointed by the Judicial Conference, which conflicts with the re-

cent case of *Buckley versus Valeo*, 424 U.S. (1976).

Again, Mr. President, even with the changes that I am told have been made I still have doubt as to the constitutionality of this provision.

The Library of Congress prepared a 16-page research memorandum, and I have put a copy of that memorandum, together with the covering letter, on the desk of each Senator, and the Library of Congress has concluded that such a method of appointment would violate the Presidential power in article II of the Constitution.

The concluding paragraph of the Library of Congress' legal memorandum reads:

The members of the proposed United States Sentencing Commission will have significant authority pursuant to the laws of the United States and thus are "officers of the United States."

Now, as the Chair and the Senators well know, the power of appointment under article II, section 2, clause 2, is:

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and other officers of the United States

"Other officers of the United States" is the phrase we are looking at at this time.

I believe that these members of the commission are considered officers of the United States and come within this appointment clause:

Appointment of three members by the Judicial Conference does not appear to comply with that clause, since that body is not a court. Further, if the proposed method of appointment of three members of the commission is invalidated, the entire commission may be invalid also, since a full complement of seven members appears integral to the legislative scheme.

Mr. President, as Senators know, the Supreme Court in the *Buckley* case, held that Congress could not appoint members of the Federal Election Commission because article II of the Constitution provides that the President shall appoint officers of the United States except for such inferior ones as the Congress thinks proper.

I would submit that members of this commission, receiving the same pay as Members of the Senate, \$57,500, being at executive level II, could not be considered inferior officers. Therefore, if the amendment now before us should not be adopted, I may offer, or I had intended to offer, a substitute amendment to provide that all members of the commission be appointed by the President, to remove the constitutional barrier.

More important to me, however, Mr. President, is that this proposal creates a new and unnecessary commission. A trial judge, under the controls that have been laid down by Congress, can determine the proper sentence. Under the proposal that we just debated earlier today—my amendment 1660, which was defeated, or was tabled—we still have the right of

the appellate court to review the sentences. It seems to me that the trial judge can confer with other judges, including the appellate courts, people in the judicial conferences of the various circuits, and the National Judicial Conference, without creating a new bureaucracy within our judicial system.

In my judgment, this proposal will only tend to impose additional burdens and further contest our court dockets.

Mr. President, I reserve the remainder of my time.

Mr. KENNEDY. Mr. President, the amendment of the Senator from Virginia goes to the very heart of this measure. If it is accepted by the Senate, and I do not believe that it will be, I would move to recommit the bill, because it is a matter of that much importance and magnitude.

What we are really talking about, is perhaps the most important aspect of this entire piece of legislation changing from the indeterminate sentence to the determinate sentence. We have reviewed, over the past few days, the abuses of the indeterminate sentence, and I do not intend to take the time of the Senate at this time to go into those abuses. The record is very clear on that issue.

What we are attempting to do by this legislation is develop determinate sentences. The Senator from Virginia would say we do not want a public panel to study that issue. It amazes me that the Senator from Virginia would make such a suggestion, when we are talking about individual freedom, individual liberties, and individual rights.

We have the Securities and Exchange Commission to consider business and corporate practices. We have the Federal Power Commission to consider policies dealing with power. We have the Federal Trade Commission to consider competition. But the Senator says that we cannot appoint a commission to deal with the issue of how long people ought to be put away. The issue is individual freedom; but the Senator from Virginia does not, apparently, believe that it is an issue of sufficient importance justifying new expertise.

But why not take the statement of the career officer who is the Director of the Bureau of Prisons? Let us hear what the Bureau of Prisons has to say, the statement of its Director, a career officer in the field of penology. This is what Norman Carlson says:

To me, the most significant innovation that has been suggested in the proposed bill is the establishment of a sentencing commission. The commission will establish sentencing guidelines for the Federal district courts. Federal judges will be required to spell out the reason and rationale for all sentences. In my opinion, Mr. Chairman, the commission should significantly reduce two basic problems we have in the system today. One is disparity of sentences; the second is uncertainty in terms of what conviction means in terms of length of sentence.

Mr. President, we are speaking of fairness and equity. Individual liberty is what we are talking about when we discussed this issue. What does one of our outstanding jurists Marvin E. Frankel say, on the question of the commission itself?

The idea is splendid and deserves wide understanding and support.

The great change would be the substitution of law in sentencing—rules, criteria, standards—for a non-system in which every judge is a law unto himself or herself and the sentence a defendant gets depends on the judge he or she gets.

What Judge Frankel is talking about here is developing a system where we will have understandable criteria and established standards, precisely what is missing under the present system.

A distinguished lawyer and scholar who supports this sentencing commission, Norval Morris, who has spent a lifetime on the subject, in his article entitled "A Way Out of Anarchy," describes the present system of sentencing. From his excellent article, I read just one relevant paragraph:

... we need a discriminating sentencing practice, graduated carefully to social harm and to social need—a just and orderly system, severe where it should be, lenient where it should be.

That, Mr. President, is where we are. Those who have studied the issue, the leaders in the field, support this concept. Those who are dealing on the front line, the trial judges, support this concept. Those who are dealing in penology, and have spent a career in the Bureau of Prisons, endorse the concept. Common-sense and justice endorse this concept.

Finally, Mr. President, the issue is raised about the question of constitutionality. As the Senator quite appropriately pointed out, the alteration and change that was made as a result of the amendment of the Senator from Colorado insures that there will be Presidential appointment. Granted, three members would be selected upon the recommendation of the Judicial Conference, but the appointments would be made by the President of the United States. Whatever issue or question has been raised in terms of constitutionality, I believe, has been resolved.

So, Mr. President, I would hope, for the reasons that we have outlined here, that the amendment would be defeated.

I reserve the remainder of my time.

Mr. SCOTT. Mr. President, I should like to join with the distinguished Senator from Massachusetts, in the event that my amendment is adopted, to cosponsor his motion to recommit the bill. It would appear to me to be a very fine thing if we did do that. I should be happy to cosponsor his motion to recommit.

He speaks of the fact that we are discussing individual liberties. I thought we were discussing convicted felons and how to handle convicted felons, rather than individual liberty. That is what this bill applies to. If it is a person who has not been convicted of a serious crime, of a felony, this law does not apply to him. So I do not believe we are discussing individual liberty. We are discussing how best to handle convicted felons.

Another matter that it seems to me we must not overlook and we must give emphasis to is the creation of a new commission, the creation of a new Government agency and, I believe, the creation of additional paperwork. Because, if we look at this bill, this provision of the

bill, this one section, under the U.S. Sentencing Commission, chapter 58, starts on page 349. It goes on through 350, 351, 352, 353, 354, 355, 356, 357, 358, and 359.

It sort of reminds me a little bit of the OSHA regulations, because we are tending to put our judges somewhat in a straitjacket in determining just what they can do.

It has a group of categories of offenses. It has categories of defendants. Then it has a provision that the maximum of the sentencing range established for such a term shall not exceed the minimum of that range by more than 25 percent.

In other words, if a person were convicted of a serious crime, where the minimum sentence would be 20 years, no one, regardless of how heinous the crime would be, could receive more than 25 percent additional, so his maximum term would be 25 years, or it would be between 20 and 25 years.

That is a rather narrow range between offenses, it appears to me.

I believe that the guidelines would leave very little for the discretion of the judge, because it says, under the category of offenses, that it is necessary to consider the grade of the offense; second, the circumstances under which the offense was committed which mitigate or aggravate the seriousness of the offense; third, the nature and degree of the harm caused by the offense, including whether it involved property, irreplaceable property, a person, a number of persons, or a breach of public trust; fourth, the community view of the gravity of the offense; fifth, the public concern generated by the offense; sixth, the deterrent effect a particular sentence may have on the commission of the offense by others; seventh, the concurrent incidence of the offense in the community and in the Nation as a whole. There are several pages of guidelines.

The category of defendants is another matter that it discusses: the age; the education; the vocational skills; the mental and emotional condition to the extent that such condition mitigates the defendant's culpability, or to the extent that such condition is otherwise plainly relevant; the physical condition, including drug dependence; previous employment record; family ties and responsibility; community ties; role in the offense; the criminal history; and the degree of dependence upon criminal activity for a livelihood.

When we think about the time that a judge gives to all of these specific things, we are not leaving a great deal for his discretion. Mr. President, it seems to me that, when we are talking about a lawyer who has devoted the major part of his adult life to a study of the law, he should not be tied down by such restrictions as this.

Then, the commission can do many things by an affirmative vote of at least four of the commission. By a 4 to 3 decision, they can tie the hands of the trial judges and they can set guidelines and general policy.

One can read on and on in this committee bill. In fact, it talks about the powers of the commission and it has 23 itemized powers that are specified, plus

additional ones that are necessary to carry out the first 23 that are enumerated.

They shall establish general policies and promulgate such rules and regulations for the commission as are necessary to carry out the purposes of this chapter; appoint and fix the salary and duties of the staff director of the Sentencing Commission, who shall serve at the discretion of the Commission and who shall be compensated at a rate not to exceed the highest grade now or hereafter prescribed for grade 18 of the General Schedule pay rates.

They shall have the power to deny, to revise, or ratify any request for regular, supplemental or deficiency appropriations prior to any submission of such request to the Office of Management and Budget by the Chairman; procure for the commission temporary and intermittent services to the same extent as authorized by section 3109(b) of title 5 of the code. So it goes on and on, indicating the authority that this commission shall have.

Then, under the staff director, on page 358, it says:

The staff director shall, subject to the approval of the commission, appoint such officers and employees as are necessary in the execution of the functions of the Commission. The officers and employees of the Commission shall be exempt from the provisions of part III of title 5, United States Code—

That includes the pay that they would receive under the General Schedule for classified employees—
except—

They are subject to good parts here; except the following chapters:

81 (Compensation for work injuries); 83 (Retirement); 85 (Unemployment compensation); 87 (Life insurance); and 89 (Health insurance).

They can be paid whatever the commission wants to pay them and they are not bound by the restrictions of the Pay Act, but they receive all of the additional benefits that classified employees receive.

Mr. President, once again, this is not the time to create a new Commission when we have a deficit suggested of \$60.2 billion for the coming fiscal year.

I urge the adoption of my amendment because, in my judgment, the provision of the bill is an unnecessary provision and it is an unnecessary expense upon the American taxpayer.

Mr. President, I retain the remainder of my time.

Mr. KENNEDY. Mr. President, I will not take much time, but the statement of the Senator from Virginia is completely inaccurate in terms of his understanding of the bill. That is point No. 1.

When he talks about the judge having his hands tied in terms of the recommendations of the Commission, he is, in fact, in error. The judges will be able to go either above the guidelines or below them.

The 25-percent differentiation is only related to the guidelines themselves.

So in particular aggravating circumstances the judges may make a decision

to go above the guidelines and when there are mitigating indications they will go below them.

Mr. SCOTT. Will the Senator yield briefly?

Mr. KENNEDY. Yes. I will yield to answer on my time and yield for purposes of questions on the Senator's, with that understanding.

Mr. SCOTT. Is it not true, if the guidelines were exceeded, then that does activate the right to appeal on this sentencing review process to the circuit court of appeals?

Mr. KENNEDY. The Senator is correct that if the guidelines are exceeded, the defendant would have the right to appeal. The Senator is correct.

Mr. SCOTT. Then there are some teeth in the matter, as I suggested.

Mr. KENNEDY. The Senator can use whatever words he wants to describe his own impression. But the representation that if the guidelines say 20 years, and there is a 25-percent deviation, that therefore the judge is "tied down," is not an accurate statement of what the legislation either intends or includes.

Obviously, what we are trying to do is to create a degree of certainty and yet some degree of flexibility.

We are caught in that particular dilemma. But we have worked out a procedure which was strongly endorsed by Senator McCLELLAN and strongly endorsed by Senator HRUSKA, a procedure which establishes that delicate balance in terms of certainty in flexibility.

But to state that the judges are tied down by this panel and are not able to consider aggravating or mitigating circumstances is not what the bill states and is not what is intended by the authors of the bill.

Mr. SCOTT. Mr. President, let me just read at the beginning of page 352 of the bill:

If a sentence specified by the guidelines includes a term of imprisonment: (1) the maximum of the range established for such a term shall not exceed the minimum of that range by more than 25 percent.

What I said was that in case of a serious felony, if the minimum sentence was 20 years, the maximum could not be more than 25 years, regardless of how the offense might be.

I believe that is what the statute says. Mr. KENNEDY. Well, that really is not what the statute says.

It says that, with regard to compliance with the guidelines, judges can go outside the guidelines by 25, 50, or 100 percent. The 25-percent limitation is addressed to the Commission, not the judges.

Thus, on page 180, Statement of Reasons for Imposing Sentence, it says that at time of sentencing, the court shall state the reasons for its imposition of the particular sentence and, if the sentence is outside the range described in (a)(3), the specific reason for the imposition of a sentence outside such range.

Now, outside of that range means they can exceed it or go below it.

Mr. SCOTT. But then there is a right of appeal to the circuit court of appeals.

Mr. KENNEDY. And the Senate just resolved that issue by a vote of 83 to 9.

The Senator's amendment deals with striking the whole sentencing commission. I am glad to express what I believe is going to be the function of the sentencing commission. This is a concept which, according to those experts, those studying and practicing penology, as well as the two former leaders of the Criminal Laws Subcommittee, Senator McCLELLAN and Senator HRUSKA, has broad support. We must meet head on the current anarchy of criminal sentencing.

Mr. SCOTT. Mr. President, I do not believe any useful purpose can be served by the distinguished Senator from Massachusetts and I debating this matter further. We are diametrically opposed with regard to our interpretation and the need for the law.

The only thing I think we can agree on is in the event my amendment is adopted I will be glad to join in a motion to recommit the bill.

Mr. KENNEDY. We can agree on that.

Mr. SCOTT. I am glad to yield back my time if the Senator is prepared.

Mr. KENNEDY. I am, but before yielding back, I would like to suggest the absence of a quorum for the purposes of establishing a quorum for the yeas and nays.

The PRESIDING OFFICER (Mr. ABOUREZK). We cannot ask for a quorum until the Senators have yielded back all time.

Mr. SCOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. SCOTT. Have the yeas and nays been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment itself.

Mr. SCOTT. On the amendment.

Mr. KENNEDY. Mr. President, I ask unanimous consent to order the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. KENNEDY. On the motion to table.

The PRESIDING OFFICER. Is there objection?

Mr. SCOTT. I did not hear the motion.

Mr. KENNEDY. To ask unanimous consent it be in order to have a quorum call to establish a quorum to get a second reading for the purposes—

Mr. SCOTT. Mr. President, I hope to win the amendment on its merits, not on a technicality. I have no objection.

The PRESIDING OFFICER. There has been no motion.

Mr. KENNEDY. Mr. President, I renew the motion that it be in order to ask for the quorum call at this time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I make a motion to table, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is all time yielded back?

Mr. KENNEDY. I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from Virginia wish to yield back his time?

Mr. SCOTT. I am glad to yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the motion to table the amendment of the Senator from Virginia. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Arkansas (Mr. BUMPERS), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Mississippi (Mr. EASTLAND), the Senator from Maine (Mr. HATHAWAY), and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) would vote "yea."

Mr. BAKER. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Idaho (Mr. MCCLURE), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. STEVENS) would vote "yea."

The result was announced—yeas 82, nays 8, as follows:

[Rollcall Vote No. 3 Leg.]

YEAS—82

Abourezk	Glenn	Metzenbaum
Anderson	Gravel	Morgan
Baker	Griffin	Moynihan
Bartlett	Hansen	Muskie
Bayh	Hart	Nelson
Biden	Haskell	Nunn
Brooke	Hatch	Packwood
Burdick	Hatfield, Oreg.	Pearson
Byrd	Hatfield, Mont.	Pell
Harry F., Jr.	Hayakawa	Percy
Byrd, Robert C.	Heinz	Proxmire
Cannon	Hodges	Randolph
Case	Hollings	Roth
Chafee	Huddleston	Sarbanes
Chiles	Inouye	Sasser
Church	Jackson	Schmitt
Clark	Javits	Schweiker
Cranston	Johnston	Stafford
Culver	Kennedy	Stevenson
Curtis	Leahy	Stone
Danforth	Long	Thurmond
DeConcini	Lugar	Tower
Dole	Magnuson	Wallop
Domenici	Mathias	Welcker
Durkin	Matsunaga	Williams
Eagleton	McGovern	Young
Ford	McIntyre	Zorinsky
Garn	Melcher	

NAYS—8

Allen	Laxalt	Stennis
Bellmon	Scott	Talmadge
Helms	Sparkman	

NOT VOTING—9

Bentsen	Goldwater	Ribicoff
Bumpers	Hathaway	Riegle
Eastland	McClure	Stevens

So the motion to table Mr. Scott's amendment No. 1659 was agreed to.

The PRESIDING OFFICER (Mr. LEAHY). Under the previous order, the

Senator from South Dakota (Mr. ABOUREZK) is recognized to call up an amendment. The Chair recognizes the Senator from South Dakota.

Mr. ABOUREZK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HODGES). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ABOUREZK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1662

(Purpose: Decrease maximum sentence lengths for Class B, C, D, and E, felonies)

Mr. ABOUREZK. Mr. President, I call up my amendment No. 1662, and ask for its immediate consideration.

The PRESIDING OFFICER. The committee amendments have not been disposed of, so it will require unanimous consent. Is there objection?

Mr. ABOUREZK. There is already an order which allows that.

The PRESIDING OFFICER. It requires unanimous consent.

Mr. ABOUREZK. I ask unanimous consent that amendment No. 1662 be considered in order at this time.

The PRESIDING OFFICER. Is there objection to considering the amendment at this time? Without objection, it is so ordered. The amendment will be stated.

Mr. ABOUREZK. I ask unanimous consent that the reading of the amendment be waived, and I will explain it.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be printed in the Record.

The amendment is as follows:

On page 187, strike lines 25 through 30 and substitute in lieu thereof the following:

"(1) for a Class A felony, the duration of the defendant's life or any period of time;

"(2) for a Class B felony, not more than twenty years;

"(3) for a Class C felony, not more than ten years;

"(4) for a Class D felony, not more than five years;

"(5) for a Class E felony, not more than two years."

Mr. ABOUREZK. Mr. President, this amendment would reduce slightly the maximum sentence levels for the four lowest classes of felonies in S. 1437.

Under the bill as reported, the maximum prison term for a class B felony is 25 years. My amendment would reduce that maximum to 20 years.

The bill sets 12 years as the maximum penalty for a class C felony. I would lower it to 10 years.

For a class D felony, the bill sets 6 years. I would propose to decrease it to 5.

And finally, I would lower from 3 years to 2 the maximum sentence for a class E felony.

This is not a drastic or radical change in the sentencing procedure. It should be noted that I would leave unchanged the life sentence for class A felonies. As to the others, I am suggesting a decrease of 5, 2, 1, and 1 years respectively.

We all recognize, of course, that the sentencing levels established in any bill

such as this are, to some degree, arbitrary. I also recognize that the maximums in S. 1437 are reduced somewhat from those of its predecessor, S. 1.

Still, I cannot help but feel that the maximums are still too high. Frankly, I would point out that prison sentences in the United States are higher than in any other Western democracy. Yet, as each of us knows, the recidivism rate amongst our prisoners is appallingly high.

I would like to see us moving in the direction of swifter and more certain punishment for convicted criminals, but not necessarily longer prison terms. In this regard, I support the views of Norman Carlson, the Director of the Federal Bureau of Prisons, who has stated:

By increasing the certainty of the punishment rather than its length or severity, I believe that we can be more effective in deterring crime.

While I generally support most of the sentencing reform contained in S. 1437, I am greatly concerned that an inadvertent consequence of our actions here may be to both increase sentence lengths for individual defendants and, as a result, dangerously increase our overall prison population in this country. In my view, both of these results should be avoided.

The problem of how high to set sentence maximums is one of the most difficult to be dealt with in any effort such as this. On the one hand, it is easy to conjure up any number of horrible offenses which seem to cry out for maximum punishments. The reality of the situation, however, is that the overwhelming majority of convicted offenders are sentenced to terms considerably below the maximum. As was noted by the Brown Commission in 1970:

The point, of course, is not that long sentences are never appropriate, nor that the average prisoner is serving a sentence which is too long. The point is that there is an enormous disparity between the sentence, which the system authorizes and the sentence which it, in fact, exacts in most of the cases.

The Commission report continued:

As has been demonstrated time and again over the years, the practical consequence of such widespread disparity between authorized terms and exacted sentences in indefinitely disparate treatment of comparably situated offenders. As noted in the ABA Report "if the range is 20 years for an offense where most offenders should go to prison should get less than 5, the authorized range is an open invitation—and the results verify the hypothesis—to sentences which irrationally spread the whole gamut of the authorized term.

And on this point, the Commission concluded:

The draftsmen of a penal Code are thus in a basic dilemma. It is perfectly clear, on the one hand, that long sentences need to be authorized for use in the case where the offender does indeed pose a serious risk to the safety of the public. The system badly needs to develop the capacity to identify, at the sentencing stage, offenders who pose such a risk so that errors on the side of leniency will be minimized. On the other hand, legitimate concern over such offenders should not be permitted to distort the entire penal structure.

It is precisely this distortion which concerns me and which my amendment

is designed to alleviate to some degree. I am convinced that the maximum felony sentences that I am proposing are long enough to provide adequately for the very small percentage of offenders who deserve sentences at the upper end of the spectrum, yet would not unduly distort the sentencing structure for the more typical defendant.

Let me conclude with this point. The sponsors of S. 1437 make note of the fact that the authorized maximums in this bill are somewhat lower than those in current law. While this may be the case, that argument fails to take into account two important factors:

First, S. 1437 essentially abolishes the parole system as we know it. And with all of its inequities and inadequacies, the parole system has operated to allow for release of most prisoners after service of approximately one-third of their sentences. Without parole, and with authorized maximums that approach current levels, the possibility of greatly increased sentence lengths is obvious.

Second, and I have another amendment to deal with this problem, S. 1437 drastically reduces the "good time" that a Federal prisoner can earn toward a reduction of his sentence. Here again, the likelihood of increased sentence lengths is apparent.

My amendment will not solve all of these problems. But I believe that it is a step in the right direction and is consistent with the other sentencing reforms contained in this legislation.

I have discussed the amendment with the managers of the bill, Senator KENNEDY and Senator THURMOND, and they have agreed to accept it. I move its adoption.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY addressed the Chair.

Mr. ABOUREZK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this amendment deals with the upper maximums which will be included in the legislation.

We expect under the sentencing provisions that the commission will review the actual time that is served today and use that as a guidepost, a guideline in terms of making recommendations to us concerning the guidelines. Thus, any discussion of maximums or minimums loses much of its force.

When we consider the maximums today, and the maximums in S. 1437, there are two important considerations. One, we have eliminated parole; two, we have dramatically reduced good time.

Good time and parole combined, insure that today when a defendant is imprisoned he will be eligible for release after serving only one-third of the sentence.

Current law—regardless of maximum

sentences—guarantees sentencing chaos and early release.

What we have effectively done in S. 1437 is eliminate parole. And we have changed the system of good time to one-tenth instead of one-third.

Most of the testimony indicated that in various penal institutions good time was not vital to assure order. Other kinds of privileges—visiting privileges, television, participation in work programs, and a variety of other factors, could be used to prevent disruption.

So we reduced the good time to one-tenth, which means if a person is sentenced to 10 years, he will have 1 year off for good time, not over 3 years.

What we also insure is the vesting of good time. The defendant will not lose it once it is earned, unlike present law where the defendant may accumulate a great deal of good time and then, as a result of a disciplinary infraction, lose it. This added to the uncertainty and confusion of sentence length.

It is against this background that the Senator from South Dakota offers his amendment which, in effect, takes the various A, B, C, D, and E felonies and alters the maximums slightly. Class A, the cases of murder, treason, sabotage, kidnapping, and the like, he does not touch.

B crimes, we go from 25 years to 20. C crimes, 12 years to 10. D crimes, 6 to 5. E, 3 to 2.

But such reductions are essentially irrelevant under S. 1437. For example, at the present time the maximum for perjury is 5 years; in theft, it is 10. But if we take the 10-year maximum today, a defendant is eligible for parole after one-third. The Abourezk amendment makes theft a 5-year maximum, but does nothing to upset the bill's provisions abolishing parole and reducing good time. As the Senator from South Dakota points out, without parole or good time, an offender may be no better off under the Abourezk amendment than he is under current law.

What we are basically attempting to do, Mr. President, for the first time, and I am hopeful we will be successful in doing it, is to try and eliminate the rhetoric over maximums or minimums. S. 1437 avoids all of this with its guidelines, elimination of parole and good time, and the like.

The fact of the matter is that today we have enormous variations in sentence. Even when a sentence is lengthy, there is no guarantee it will be served.

What we are interested in is certainty—for the defendant and for the public. S. 1437 does this.

The effect of the Abourezk amendment to lower the authorized maximum terms of imprisonment should be clarified. While it would preclude a sentence to a term of imprisonment that was above the revised authorized maximums, it does not affect the directive to the Sentencing Commission, under section 994 of title 28, to determine the average sentence actually served by offenders under current law in determining what should be the typical time served under the new code. Whether the bill regrades the particular offense involved or lowers its maximum term of imprisonment, the

average term served for the offense continues to be the starting point for the Commission's consideration. Thus, for example, if an offense is now subject to a maximum term of imprisonment of 15 years and the typical amount of time spent in prison by persons convicted of that offense is 3½ years, the fact that the bill now provides a maximum term of imprisonment of 10 rather than 15 years would not affect the fact that the Sentencing Commission should begin its consideration of the appropriate term of imprisonment with the fact that the typical time now served is 3½ years. Reducing the maximum that can be imposed certainly is not meant to reduce the average that should be imposed.

Mr. THURMOND. Mr. President, as I understand it, the amendment would reduce the terms authorized for sentences in chapter 23, and it also would reduce the time for parole eligibility and eliminate time for good behavior.

Mr. ABOUREZK. That is correct.

Mr. THURMOND. So the consequence would be that a prisoner then would serve the full time which would be as much as if he had been given a longer sentence and received reduced time for good behavior.

That is correct; is it not?

Mr. ABOUREZK. If I might just clarify that, the provisions for good time in 1437 have been greatly reduced down to 3 days a month.

Mr. THURMOND. Yes.

Mr. ABOUREZK. And from what it used to be, that good time provision used to be a great deal more. Also, the original law used to allow great reductions of sentences.

If we do not have parole any more except in limited cases, and good time has been reduced, there is no reason to have the inordinately high sentencing structures we had in the old law.

Mr. THURMOND. What I am getting at is that the prisoner would serve as much time under this amendment as prior when we had consecutive sentences.

Mr. ABOUREZK. Probably serve more under this amendment.

Mr. THURMOND. In view of that, Mr. President, I have no objection.

Mr. ABOUREZK. Mr. President, I move adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ABOUREZK. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I understand the Senator from South Dakota does not have any further amendments.

Mr. ABOUREZK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, Jr.). Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I ask unanimous consent that John W. MacIlroy of Senator HARRY F. BYRD, Jr.'s staff be granted privilege of the floor during consideration of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FORD). Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 10:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 10:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

DESIGNATION OF PERIOD FOR ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, there be a period for the transaction of routine morning business not to extend beyond the hour of 11 a.m., with Senators to be permitted to make statements up to 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RESUMPTION OF UN- FINISHED BUSINESS AT 11 A.M. TOMORROW, AND FOR RECOGNITION OF SENATOR DOLE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the hour of 11 a.m. tomorrow, the Senate resume the consideration of the unfinished business, and that the Senator from Kansas (Mr. DOLE) be recognized at that time to call up an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I ask unanimous consent that it be in order for Mr. DOLE to call up his amendment at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, it is my understanding that Senator DOLE will have two amendments tomorrow, and that he is inclined to call them up consecutively; so we ought to get off to a running good start, and I would hope that other Senators who have amendments would be prepared to call them up during the afternoon tomorrow. Tomorrow is Wednesday, and although we have made good progress, there needs to be further good progress made, and I would hope that tomorrow we could make further good progress.

RECESS UNTIL 10:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance

with the order previously entered, that the Senate stand in recess until the hour of 10:30 a.m. tomorrow.

The motion was agreed to; and at 5:23 p.m. the Senate took a recess until tomorrow, Wednesday, January 25, 1978, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 24, 1978:

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

The following-named persons to be Members of the General Advisory Committee of the United States Arms Control and Disarmament Agency:

Harold Melvin Agnew, of New Mexico (re-appointment).

McGeorge Bundy, of New York, vice I. W. Abel, resigned.

Bert Thomas Combs, of Kentucky, vice Harold Brown, resigned.

Paul Mead Doty, of Massachusetts, vice William C. Foster, resigned.

Douglas A. Fraser, of Michigan, vice William W. Scranton, resigned.

Harry Arthur Huge, of Virginia, vice John Archibald Wheeler, resigned.

Joseph Lane Kirkland, of the District of Columbia (reappointment).

Arthur B. Krim, of New York, vice John A. McCone, resigned.

Wolfgang Kurt Hermann Panofsky, of California, vice Gerard C. Smith, resigned.

Brent Scowcroft, of the District of Columbia, vice James F. Chambers, Jr., resigned.

Thomas John Watson, Jr., of Connecticut, vice Gordon Allott, resigned.

Margaret Bush Wilson, of Missouri, vice Edward Clark, resigned.

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

Lawrence Owen Cooper, Sr., of Mississippi, to be a member of the General Advisory Committee of the U.S. Arms Control and Disarmament Agency, vice Carl M. Marcy, resigned.

EXTENSIONS OF REMARKS

USEFUL PERSPECTIVES ON THE MIDDLE EAST

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, January 23, 1978

Mr. BINGHAM. Mr. Speaker, two articles which appeared in the Jerusalem Post of Sunday, January 15, 1978, cast a great deal of light on the reasons for the breakdown in the Mideast talks. They also illustrate the high journalistic quality of the Jerusalem Post.

The first article, by David Landau, is based on a long interview with Sadat. The second is by Yosef Goell. Having just spent almost 3 weeks in the Mideast as a member of "CODEL Zablocki," I earnestly commend these two articles to my colleagues:

[From the Jerusalem Post, Jan. 15, 1978]
SADAT AND BEGIN—MINDS THAT DON'T MEET
(By David Landau)

Every foreigner meeting with Egyptian President Anwar Sadat these recent months has come away convinced of the sincerity of

his desire for peace. Premier Menachem Begin himself affirmed that that was his own unequivocal impression. I came away convinced not only of this—but also of the sincerity of his bitter disappointment with Israel, indeed the sincerity of his failure to understand Israel's response to his Jerusalem visit.

There were moments during my interview with Sadat last Thursday (the full text is published on page 5 of this issue) when I felt that he had given it in order to announce, through *The Jerusalem Post*, the breakdown of the peace initiative. I trembled in trepidation.

But no, he would let the two committees, the military and the political, convene first—"and then I shall have my say." He seemed almost certain that those committees would not succeed in breaking the deadlock. And indeed to his confidant Anis Mansour, who sat in on part of my interview and then continued alone with Sadat, he said this in so many words.

I left with the anguished feeling that there is a total absence of communication between Sadat and Begin. Certainly there is no chemistry of warmth—though there is a certain respect on Sadat's part for the Israeli premier. But more than that—much more serious and ominous—there is no meeting of minds. There is an intercourse in two separate idioms; there is no dialogue.

This is written in full awareness of Sadat's

consummate handling of the media for his diplomatic purposes, in keen realization that much of what he says in interviews is said for calculated impact.

And yet—either he is an unsung Laurence Olivier, or else—as I believe—he is genuine and sincere when he shouts, in savage bitterness: "Don't you see that you have got everything? And then you are starting to bargain with me on my land. No! You have lost the essence of my initiative . . ." Or, to "October" magazine: "If we tell them (Israel) 'We understand your problems and will accept you among us and give you peace and legality,' they just nod their heads saying 'We believe you absolutely' . . . But they ask about the nature of peace. They play the game of secure boundaries. When this is over, they play a new game called the nature of peace."

In part, no doubt, is the cumulative effect of 10 years of Labour government dissembling, rehearsing morning, noon and night that the "heart of the conflict" is neither the terrorists nor the Palestinians, but the Arab states' refusal "to accept us" in the Middle East. Well, Sadat took that literally. Perhaps he was naive to do so. Perhaps he is not as sophisticated as the savvy Westernized politician he appears to be.

At any rate, he decided, for whatever reasons, to give Israel what he genuinely believed she wanted: recognition-acceptance,